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UNITED STATES OF AMERICA.













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1840
THE

AFFIDAVIT OF ANDREW JACKSON,

TAKEN BY THE DEFENDANTS

IN THE SUIT OF ROBERT MAYO *vs.* BLAIR & RIVES

FOR A LIBEL,

ANALYSED AND REFUTED,

BY ROBERT MAYO, M. D.

AUTHOR OF SKETCHES OF EIGHT YEARS IN WASHINGTON, &c. &c.

WASHINGTON CITY, D. C.

PRINTED FOR THE PLAINTIFF.

1840.



W. D. & S. p. 12

TO THE PUBLIC.

More than nine years ago (that is, early in December, 1830) I addressed to General Jackson, then President of the United States, a letter, (see Appendix A,) "to be used in any way he might deem proper," giving him a detailed statement of General Houston's plans of organizing an expedition against the Mexican province of Texas, accompanied with a copy of his scheme of secret cryptographical correspondence, and referring to witnesses.

In the fall of 1836, that original letter and cipher were handed to me by the President's messenger, in the routine of sundry other documents of mine returned to me through the same messenger, in pursuance, as I had every reason to suppose, of a *standing request* from me to Major Donelson, the private secretary of the President, to have all my communications, letters, &c., hunted up* and returned to me, as soon as convenient, after all contemplated action had upon them—excepting any that might be retained by the President, of course.

Such was the purport of *my request*, which was made in consequence of the inability of the private secretary to lay his hands upon such documents, in frequent instances, when called for by me in person; and, as an evidence that it was so understood by Major Donelson, I did receive *at my lodgings* many returns of documents in that way by the hands of the same messenger, which I now have in my possession, but are too voluminous to exhibit here, though they shall make their appearance in another publication.

There was also a request and a promise to the same effect in behalf of a friend, then in Virginia, for the return of his documents, whose letters to me will not only establish the fact, but show that more than twelve months elapsed before his papers were found; and I believe it was the practice of General Jackson, or his private secretary, to return all communications with the evidences of action endorsed upon them, or accompanying them, when there was no reason assigned for withholding them; and, more particularly about the close of his administration, I have reason to believe this practice was very general, and that probably the letter returned to Mr. Van Buren about that time, wherein the writer had urged on the President his objections to the appointment of Samuel Swartwout as collector of the customs at New York, is an eminent instance. The Richmond Enquirer is the organ through which the public was informed of the restoration of that letter: perhaps

* This function of *hunting up* documents and letters called for was certainly *sometimes* intrusted to the President's messenger, as I occasionally understood from Major Donelson himself, when he would promise me to have such as he could not readily lay hands on for me searched for by the messenger and sent to me. And I believe many other persons are acquainted with the fact, or at least are of the impression, that the President's messenger was the principal *conservator* of his files. [Such is the case, in some degree, with messengers in several of the Departments.] Whether he discharged that function faithfully, felt short of, or exceeded his duty, the President and his private secretary ought to be the best judges. Whenever he brought a package to me, I questioned not the authority by which he brought it; and as they were in every instance my own, accompanied only with the President's action upon them, whether satisfactory or not to my views and wishes, I considered the matter, so far, as final, and was then left to my discretion and choice what use I should again make of them; and, as an evidence of this, in some instances I would recommit the same document to the President, with a request to reconsider his decision: which fact can be substantiated at a proper time by the documents themselves. I will barely make the suggestion here, that General Jackson, except for the malignant temperament of his mind, would in all probability have supposed that Major Donelson, in returning me my papers, inadvertently sent the copy also of his letter to Fulton, filed as it was in the same package with my letter on Houston's conspiracy as evidence of his action upon it; or, indeed, if it were evidence of satisfactory action, he never would have considered it worth a rush to make a clamor about its publication, much less have made a labored argument of falsehoods to give color to a most improbable supposition; which seems rather to suppose that he stands self-condemned as to the hypocritical subterfuge of the letter to Fulton, and is himself the *author* of the libel on me, as a revenge for the publication of that letter, with a commentary unmasking the duplicity of its object.

the editor of that paper knows something more of the practice and policy of *returning* or *retaining* communications. In addition to these instances, and the mass of such documents so returned to me and now in my possession, it is probable I shall hereafter be enabled to cite many others, to the same effect, as demonstrating the practice.

The envelope of this original letter, so returned to me, bore this endorsement by the President viz: "Dr. Mayo—on the contemplated invasion of Texas—private and confidential*—a letter to be written (confidential) to the Secretary of the T. of Arkansas, with copy of confidential letter to Wm. Fulton, Esq., Secretary of the T. of Florida." Within that envelope was my original letter and the cipher above mentioned, with a single other document *only*, purporting to be a copy of a letter to Mr. Fulton, dated the 10th December, 1830, showing the action of the President upon my aforesaid letter; which copy to Fulton bore this endorsement, viz: "(Copy) confidential—Wm. Fulton, Sec. of the T. of Florida—private and confidential;" and, on the *inside*, this copy is headed "STRICTLY CONFIDENTIAL". From these confused endorsements on these two documents, (that is, on the general envelope, and on the copy of the letter to Fulton,) it was, to my mind, a matter of doubt whether any such letter had been sent to the Secretary of Florida, as there was no such Secretary of Florida there named; and no such letter has, in fact, ever been since alleged to have been sent to the Secretary of Florida: and, on the same account, it was equally worthy of doubt whether one had ever been sent to the Secretary of Arkansas, whose address was not clearly designated; or, had such letters been sent, they were probably falsely directed—otherwise, these endorsements would have been correctly made at first, or have been corrected afterwards. It appeared to me, therefore, upon examining this package, *not only* that it presented a singular confusion, *but* that it was possibly handed to me to show the action, whether sham or real, that had been taken upon it; there being probably no reason longer to keep it secret, as most of the facts had now become history, and upon which there might be no objection to the injunction of secrecy being removed; or, on the other hand, it seemed quite as probable that the *fact* of the copy of the letter to Fulton *being in the package* was inadvertently overlooked. But, under all the circumstances, as the case presented itself to my mind, I concluded that, by whatever motives this package was handed to me as the *communicator* of its principal contents to the President, they were perfectly immaterial to the course I deemed it proper for me to pursue in regard to it, since (perceiving the series of covert falsehoods reciprocally embraced in, and deducible from, both this copy to Fulton and the volume of diplomatic correspondence between the President of the United States and the Mexican minister on the same subject) I held myself bound, by a high paramount obligation to my country and to the world, to expose the whole matter, and at the same time to vindicate myself against the *discredit* indirectly thrown upon my statement of Houston's designs by the allegations of General Jackson in his letter to Fulton, in which he says: "I am *induced to believe*, and hope, that the information I have received *is erroneous*; that *no improvements* have been made, *nor have any facts been established*, which would justify the adoption of official proceedings against *individuals* implicated." I, therefore, unhesitatingly made it public in various ways, and exhibited a fac-simile of the said letter in my recent publication of "Eight Years in Washington"—*which exposure, I now solemnly aver, I would have made had it been the last act of my life!*

In consequence of some or all of these modes of publication, Messrs. Blair & Rives, in several issues of the Globe newspaper, charged me, by various modes of expression, with having *purloined* the said copy of General Jackson's letter to Mr. Fulton; for which outrage I instituted a suit against them, in the circuit court of the District of Columbia, for libel. Preparatory to the trial of this suit at the next spring term of the court, the defendants have caused General Jackson's AFFIDAVIT to be taken in justification of their charge. Upon being informed of the existence of that affidavit on record in the clerk's office, at the present session of the court I immediately ordered a copy, and, after perusing its extraordinary contents, resolved that I would not submit to the foul calumny cast upon me a moment longer than could possibly be avoided, but that I would lay the slanderous document immediately before the public in this form, with a brief analysis and refutation of it, lest any man, knowing of its existence, should pass from this stage of being before I should otherwise have it in my power to correct any supposition or belief that it was possible those imputa-

* The character of "private and confidential" was assumed for this letter by General Jackson himself, and for motives best known to himself, without my request or knowledge, but expressly "to be used in any way he might deem proper."

tions were true; and also that General Jackson, especially, should have the earliest opportunity of seeing his *malignant falsehoods laid bare to the world!*

I have ample reason to believe that there exists an abundance of facts in the possession of many of the most respectable citizens of this country, which, if they do not prove that General Jackson was habitually addicted to the perversion of truth, will at least prove that he is unceremonious in the perpetration of FALSEHOOD when he thinks it would serve his purposes of *ambition* or *malice* better than the *truth*. And I now make a solemn appeal to all such persons, as an act of justice to the public in general, and to the cause of truth, to furnish me with such facts as they may have in their possession, or can refer me to, between this time and the trial of the suit.

The following is the AFFIDAVIT in answer to six interrogatories, of which my business will be, for the most part, with the deponent's answer to the sixth. In attempting to show how I might have purloined the copy of his letter to Fulton, the deponent actually shows, upon every rational principle and practice in official or social intercourse, how it was morally impossible that I could have done the DEED; and in *urging*, against reason and fact, his *made up* recital and *forced* inference, he shows himself to be a *prejudiced* WITNESS, and a *partial* PARTISAN of the defendants, *as will presently be demonstrated to the satisfaction* OF EVERY INTELLIGENT AND IMPARTIAL PERSON.

INTERROGATORIES.

First interrogatory.—Did you ever write and send to Wm. Fulton, Secretary of the Territory of Arkansas, a letter of which the following is a copy? [See Appendix B, for the letter alluded to.]

Second interrogatory.—When did you write such a letter?

Third interrogatory.—Did Gov. Fulton acknowledge the receipt of such a letter?

Fourth interrogatory.—Did you take a copy of the letter when you wrote it, and what did you do with it?

Fifth interrogatory.—Did you ever give or deliver a copy of the letter you wrote Governor Fulton to Mr. Robert Mayo?

Sixth interrogatory.—What eventually became of the copy? and, if you please, state whatever else you may know respecting the above letter, and how it came into the possession of Robert Mayo.

Interrogatory to be answered by A. J. Donelson, Esq. :

Read the first of the interrogatories contained in the paper now handed to you, to which is annexed the copy of a letter addressed by Gen. Andrew Jackson, late President of the United States, to Wm. Fulton, Esq., dated Washington, December 10, 1830; and state whether you have any recollection of the original of that letter, and whether you have any knowledge of the manner in which it came into the possession of Robert Mayo, of Washington city?

The deposition of Gen. Andrew Jackson, late President of the United States, in the case of Robert Mayo vs. F. P. Blair and J. C. Rives, for libel, now pending in the Circuit Court of the District of Columbia for Washington county, Washington city, District of Columbia, who, being duly sworn, deposes and saith that he resides at the Hermitage, in the county of Davidson and State of Tennessee, about seven hundred and fifty miles from the city of Washington—

To the first interrogatory he answereth and saith, he did write and send to William Fulton, then Secretary of the Territory of Arkansas, a letter, of which the annexed to the interrogatory is a true copy.

To the second interrogatory he answereth and saith, that he wrote that letter on the day and at the place it purports to be written; that is to say, at Washington city, December the 10th, 1830.

To the third interrogatory he answereth and saith, that Gov. Fulton did acknowledge the receipt of that letter, and with it made a report of his proceedings in pursuance of the request made in my letter; which letter and report was placed on file, with the copy of my confidential letter to him of date the 10th of December, 1830, and deposited in my confidential bureau in my office, from whence it was purloined.

To the fourth interrogatory he answereth and saith, that he did take a copy of that letter when he wrote it, and placed it in his confidential bureau in his office.

To the fifth interrogatory he answereth and saith, that he never did deliver a copy of that letter he wrote to Governor Fulton to Robert Mayo, or to any other person.

To the sixth interrogatory he answereth and saith, [1] that the aforesaid letter was purloined from his office, [2] together with the report of Governor Fulton made to him of [3] his investigation of General Houston's [4] meditated invasion of Texas, [5] which all proved fallacious, as appeared from Governor Fulton's report, [6] which report was placed with the copy of the confidential letter of the 10th of December, 1830, in my confidential drawer in my office, from whence it was purloined, as he believes, by some one, [7] and he believes by Robert Mayo, the plaintiff in the cause now pending. For this belief affiant begs leave to state his [8] reasons: The plaintiff, Robert Mayo, had written him two [9] confidential letters, making serious charges against many of the clerks employed by the Government in Washington, in its various Departments. These confidential letters were [10] placed in my confidential drawer in my office, where [11] the copy of my letter to Governor Fulton, then Secretary of the Territory of Arkansas, with his [12] reply and report, were deposited. After [13] receiving these confidential letters from Robert Mayo, the plaintiff, this deponent informed him that he could [14] not, nor would not, take any measures against those clerks on his confidential complaints; that he must furnish deponent with specific [15] charges, to which these clerks would be called upon to respond; that [16] all men were presumed to be innocent until guilt was established; that [17] every man charged with crime, or acts that would affect his moral character, ought to be heard in his own defence; and that he would [18] not act upon confidential and secret information against any one. The plaintiff, Robert Mayo, in a few [19] days thereafter presented this deponent with a long [20] list of charges in writing against a great many clerks in the different Departments, which was forthwith [21] referred to the heads of Departments to be fully investigated, upon which [22] investigation Robert Mayo failed [23] to establish his charges made against any one individual charged. Soon [24] after this full [25] investigation, Robert Mayo applied [26] to this deponent to withdraw these public charges; deponent told him he [27] might, as the charges being made by him and not established, would, now being on my public files, destroy [28] him as a man of truth forever; and I referred him to my private secretary, Major A. J. Donelson, to get them. This deponent was informed [29] by Robert Mayo and Major Donelson that these public charges against

the clerks were given up to him. A few [30] days after the before-mentioned occurrence, the plaintiff, Robert Mayo, applied [31] to this deponent, and requested that he, deponent, would return to him his two confidential letters, containing charges against several clerks. These letters, as before recited, [10] had been placed in the confidential bureau, where [11] was also deposited the copy of the confidential letter of the 10th of December, 1830, to Governor Fulton. The drawer being very [32] full, this deponent had to take out many [33] papers to find those requested by Robert Mayo to be returned, and lay them on his table, beside [31] which Robert Mayo was sitting. This deponent having found the two letters, [35] returned them to Robert Mayo, and told him for the future never to make charges against any one that he could not establish. During [36] this search, deponent believes, Robert Mayo seeing [37] this letter marked "strictly confidential," purloined [38] it, as it never could be found, although diligent search had been made for it through all this deponent's papers, and in the Secretary of State and War Departments, at the time the ex-President, John Q. Adams, in Congress, made the call upon the Secretary of State for this correspondence; nor was this letter ever heard of after, until it was produced in the House of Representatives and read by Mr. J. Q. Adams in his place as a member. This deponent further states that no [39] person was permitted to look into this confidential drawer but [40] his private secretary, Andrew J. Donelson, and Andrew Jackson, jr., when there; who both have stated to this deponent that they, or either of them, never delivered or gave [41] a copy of the said letter, marked strictly confidential, dated the 10th day of December, 1830, and addressed to William Fulton, or to any other persons; and this affiant knows [42] of no one who could have had [43] access to his private drawer in his office, or purloined this letter, but [41] Robert Mayo, the plaintiff, in whose possession this purloined letter was found, [45] and acknowledged [46] by him to have handed to ex-President John Q. Adams, who used this said letter, marked "strictly confidential," in his speech in Congress. That this letter was purloined by some [47] person, this deponent doth verily believe; and from the whole [48] circumstances, as set forth and stated, the purloined letter being [49] found in the possession of Robert Mayo, and marked [50] strictly confidential; and instead [51] of handing this letter to this affiant, which he [52] would and ought to have done had [53] it been handed to him by any one, he, as it appears, handed it to the ex-President, Adams, to be used by him in Congress. This deponent does [54] believe that said letter was purloined [55] by Robert Mayo, the plaintiff in this suit.

This deponent not being further interrogated, saith not.

ANDREW JACKSON.

The deposition of A. J. Donelson, late private secretary of President Jackson, who being duly sworn, deposeth and saith that he resides in the county of Davidson and State of Tennessee, about seven hundred and fifty miles from Washington city—

To the interrogatory addressed to him, this deponent answereth and saith, that he has a clear recollection of the letter referred to, and of the circumstances under which it was written by the President. The copy of the letter signed by the President, which was forwarded to Mr. Fulton, was in the hand-writing of this deponent, as he believes; and this deponent also believes that another duplicate copy was taken to the War Department by one of the young gentlemen who had charge of the confidential papers of the Secretary of War at that time. This deponent well remembers the answer made to this letter by Mr. Fulton, which was filed [56] with the original letter of the President.

Robert Mayo, the plaintiff in this cause, was never furnished by deponent with this original letter, nor with a copy of it, nor was any other individual; and this deponent being no further interrogated, saith not.

A. J. DONELSON.

True copy.

Test:

WM. BRENT, Clerk.

Whoever has any acquaintance with the many *gross injuries* and *annoyances* I have received from a vile Jacobin Faction here, since I discovered their insidious revolutionary designs, and abjured their associations, can form some estimate of the extreme felicitations that now thrill my bosom at having a GRAPPLE, as it were, arm to arm and face to face, with the GREAT *ir-RESPONSIBLE*, to vindicate myself in this new issue thus wantonly and unexpectedly thrust upon me—as it will, while it enables me to demolish the prime source of those grievous wrongs, necessarily have no small bearing upon the future development and proper understanding of the course I have pursued in the official skirmishes it has been my fortune to encounter with most of the Departments during the administration of that *notorious personage*, and indirectly with himself, over their shoulders, since I have been a resident of Washington; in justification of which I had undertaken to publish a book, now progressing at the press, at an expense and loss of time extremely inconvenient, and aggravating to the embarrassments of every kind in which *those injuries* and *annoyances* have involved me. In the present hasty exposition, therefore, which I feel myself so unexpectedly called upon to make, I shall neither have time nor inclination to be very fastidious or select in my expressions, but shall allow them to take the spontaneous tone of a *fervent indignation* at this outrageous attempt of an ex-President of the United States to sustain a GROSS LIE by raising *additional calumnies* against me.

In the analysis and refutation I now propose to make of the foregoing AFFIDAVIT, I shall endeavor, nevertheless, for the sake of perspicuity, to bring together the material allegations and inferences of the witness under three several heads or SECTIONS, according to their affinities, quoting his words as they apply to the subjects of those several heads, and marking those quotations numerically, for a convenient reference to them, as correspondingly marked by me in brackets, in the affidavit, viz:

1. *I shall throw into the First Section, the charge, or 'belief,' of purloining, together with the attempt to connect with it a vindication by the deponent, of the disposal he made of the testimony he had in his possession, of Houston's conspiracy.*

2. *In the Second Section, I shall more particularly notice the 'reasons' of the deponent for his charge, or 'belief,' of purloining, as they relate to his alleged disposal and*

return to me of two confidential letters making charges against many clerks, which he says I had written to him.

3. In the Third Section, I shall notice the further reasons, or auxiliaries to the reasons, of the deponent for his charge, or 'belief,' of purloining, as they relate to a list of public charges, which he says I presented to him after he had refused to act upon the secret ones: the object of all which rambling of the deponent into the field of fiction is, (to cull embellishments for his scanty, meager, mutilated facts, barely recognisable in their felicitous array) manifestly to argue or beguile the COURT, the JURY, and the PUBLIC, (with the imposing assistance of his inflated name,) into the ABSURD "BELIEF" that one who could act the infamous part he has *falsely* imputed to me, would have purloined the copy of his letter to Fulton *without* opportunity.

4. In the first place, to the sixth interrogatory the deponent "answereth and saith [1] that the aforesaid letter was *purloined* from his office"—"and [7] he believes *by Robert Mayo*, the plaintiff in the cause now pending,"—"together [2] *with the report* of Governor Fulton made to him of [3] his *investigation* of General Houston's [4] *meditated invasion* of Texas—[5] which all proved *fallacious*, as appeared from Governor Fulton's report"—"which [6] report," [elsewhere called, in the affidavit, a "reply [12] and report,"] he says, "was placed with the copy of the confidential letter of the 10th December, 1830, in my confidential drawer in my office."

The public will presently perceive, from a comparison of the deponent's own statements, (if his testimony may be pleaded in refutation of himself,) how impossible it was 'that the aforesaid [1] copy' of his letter to Fulton could have been purloined at all; and how frivolous are the grounds of his 'belief' [7] that I purloined it, even were it possible that the deed could have been done by any one. Passing any minute examination of these points, then, for the present, till they come up with their connectives in the next SECTION, I shall only advert here to the contrast between this *hardy* assertion of General Jackson towards me, and the more *manly* course of Mr. Monroe towards Mr. Lowrie, in regard to the celebrated *No-party* letter of General Jackson in November, 1816, to Mr. Monroe, and Mr. Monroe's answer, which was in Mr. Lowrie's possession in February, 1824. In the correspondence between General Jackson and Mr. Monroe on that subject, in 1824, which I have before me, (including the correspondence of 1816,) as published in the National Intelligencer in May, 1824, General Jackson says, in his letter to Mr. Monroe of the 22d February, "If you know the date of your letter to me, *that Mr. Lowrie is possessed of*, I will thank you to advise me." In Mr. Monroe's answer to General Jackson, of the same date, he says, "I have no knowledge of the date of the letter to which Mr. Lowrie refers, *nor can I imagine* in what manner any letter of mine to you, or other friend, *should have gotten into the possession of any one.*" Again, he says, "I have *no recollection* of giving any copy of my views on the subject to any one. The copy in question, if correct, must have been resorted to for unfriendly purposes, and in breach of confidence, and has *probably* been purloined." Again: "*If my confidence given at the time referred to has been in any manner abused, on the letter been purloined, that is an incident which must dishonor the party guilty of such acts.*" Agreed, *if it were so*; but Mr. Monroe does not even intimate '*a belief*' that Mr. Lowrie purloined that letter, (nor did he;) much less go into *elaborate fabrications*—or an enumeration of *true and false facts* artfully mixed up, to give a coloring to such an *inference!* Let it here be noted, however, that I do not lay much emphasis upon the correctness of the above extracts, as it is well known that the original letters referred to underwent considerable mutilations (I am credibly informed *sixty* in number) by General Jackson's accredited and confidential agent in their publication, Major Eaton, who furnished the Philadelphia Observer with one copy of this mutilated correspondence, and the National Intelligencer with another copy, each materially differing from the other, and both varying from the originals; thus falsified, of course, with General Jackson's approbation, and with the intention of imposing upon the public. But both those mutilated copies making their appearance on the same day in the Philadelphia and Washington papers, their discrepancies were not noticed by the *MUTILATORS* before it was too late to force them to agree, nor before General Armstrong *remonstrated* with General Jackson upon an exceptionable passage he saw in the Philadelphia copy, which first met his eye, and which General Jackson *denied*, because that passage did not appear in the Washington copy which he examined in the Intelligencer.

The deponent is not content with declaring his belief that I purloined the copy of his confidential letter to Fulton, but charges me with the like depredation upon "the report [2] of Governor Fulton," "which report," [6] (elsewhere called in his affidavit "reply and report," [8]) he declares, as a reason for his belief, "was placed *with* the copy of his confidential letter of the 10th December, 1830, in his confidential drawer, in his office." This is the *first* of the *multiplicity* of circumstances, artfully devised and dovetailed to-

gether, in order to give some plausibility to the most improbable and morally impossible supposition, first, that the copy of his letter to Fulton was purloined; then, that the report of Fulton was purloined, together with that copy, because they were filed together; and that I purloined them both, because the copy of the letter to Fulton is in my possession, as subsequently stated [45] in the affidavit. Everybody knows the fallacies to which ill-constructed syllogisms are incident. Let it suffice for the present to say, that *there was not* any such document as a *reply* or *report* of any sort *in company with* the copy of the letter to Fulton, when the package that contained that copy was handed to me by the President's messenger—the mode, as I have frequently said, by which that copy came into my possession; nor have I ever seen either reply or report, as separate documents or a common document; nor have I ever had any satisfactory reason to believe, if that report or reply ever existed, that it was *made and received IN GOOD FAITH* to the two countries whose *interest and honor* were at stake! Had such a report ever come into my hands, and that in the abovementioned package, as did the copy of the letter addressed to “William Fulton, Esq., Secretary of the T. of *Florida*,” (not *Arkansas*,) I should probably have seen further evidence to confirm my exposition in a former publication, demonstrating the hypocritical Executive connivance at the conspiracy of Houston, for which that secret correspondence, sham or real, was evidently intended to perform the double alternative offices, to *SCREEN* and to *DENY*.

But what “*investigation*” [3] could Mr. Fulton or any other person have made of a matter “strictly confidential,” seeing that he could not exhibit his authority to make such investigation? Even in a matter of ordinary misdemeanor, so rigid an injunction of secrecy would have been an insuperable obstacle to *any investigation*. How impracticable, then, must he have found it, among parties who were bound together by an *OATH of secrecy and fidelity*, in an *enterprise of TREASON*? Is it not, in fact, a perfect burlesque upon terms, to say that this mere Secretary of a Territory (which the President mistook for Florida instead of Arkansas) made an *investigation* under such circumstances? But, suppose Fulton did hazard a formal *exculpatory report*, without the moral or physical possibility of having made the investigation alleged, as the district attorneys afterwards did *fraudulently exculpate well known offenders*, when this and other modes of manifesting the Executive bias, and giving a lead to public sentiment in favor of this enterprise throughout the West, had emboldened them to do so in the face of the universally known fact of military preparations progressing before their eyes, for that enterprise—were not the then transpiring and subsequent facts that were urged upon General Jackson from all quarters, sufficient to have demanded from him (were he disposed to do his duty) a general proclamation, or at least a more general and unrestricted inquiry than that *sham measure* which was locked up in Mr. Fulton's breast? Surely, *yes* would be the universal answer; for the public has too fresh a recollection of the reiterated proclamations of the present executive *incumbent*, arising probably from a different estimate of the parties injured, in the parallel case of the Canada frontier, resulting in prosecutions, condemnations, and punishment of the offenders; and they cannot have forgotten that in the case of Burr, Mr. Jefferson sent a *bona fide* agent of observation through the West, *untrammelled with absolute secrecy*, whose object was generally known; who was empowered not only to investigate freely, but to dissuade; and therefore was efficient—and that Mr. Jefferson not only issued proclamation, but made repeated communications to Congress on the subject. But here I might well have asked, in the first place, what “meditated [4] invasion” was this, which the deponent so slightly alluded to but once? Was it that of which I gave him a most circumstantial statement in 1830, from Houston's own disclosures, and in which I referred to several witnesses? none of which circumstances does he deign to mention in his affidavit, much less does it anywhere appear that he ever called upon a single one of those witnesses, or even upon Houston himself, who was several times, pending the execution of that enterprise, on visits to his distinguished patron and friend, the deponent! How, then, can he with truth pronounce in his affidavit that this “meditated invasion *ALL PROVED FALLACIOUS*,” [5] when in fact he had, as I believe, studiously avoided every proper mode of causing it to be investigated? Why did he not also give a brief statement, from his wonderful memory, of the contents of that report? I have no doubt he would have done so, did it ever *exist*, and he had supposed it would be as *satisfactory* to the public as he pronounces *it was to him*! Indeed, it surpasseth my comprehension that even General Jackson should have the hardihood now to say, in the face of history, that the statement of Houston's enterprise, made too on the testimony of several credible witnesses, was *ALL PROVED FALLACIOUS* by the report of a single individual, so circumstanced

that it was impossible for him to have made a competent investigation, and which report he had never thought proper to refer to in any manner before, not even in those times when he was so straightened in his correspondence with the Mexican Minister for "reasons" to justify or to excuse his obdurate incredulity in the matters set forth. I might well retort upon him here, as also at the conclusion of this, my refutation of his affidavit, and say that such a declaration is sufficient, alone, "to destroy him as a man of truth and sincerity forever hereafter," DID THAT NOW WAIT TO BE DONE!

11. The deponent goes on to say—"For this belief [that Robert Mayo purloined the copy of his confidential letter to Fulton, together with the report of said Fulton,] affiant begs leave to state his [8] reasons, to wit: "The plaintiff, Robert Mayo," says he, "had written him two [9] confidential letters, making serious charges against many clerks in the different Departments at Washington." "These confidential letters," says he, "were [10] placed in my confidential drawer, in my office, where [11] the copy of my letter to Governor Fulton, then Secretary of the Territory of Arkansas, with his reply [12] and report, were deposited." Further on he says, "This deponent further states, that no [39] person was permitted to look into this confidential drawer but [40] his private secretary, Andrew J. Donelson, and Andrew Jackson, jr.," who "both have stated to this deponent that they, or either of them, never delivered or gave [41] a copy of the said letter marked 'strictly confidential,' dated the 10th day of December, 1830, and addressed to William Fulton, [to Robert Mayo, he probably meant to say,] or to any other person; and this affiant knows [42] of no one who could have had [43] access to his private drawer in his office, or purloined this letter, but [44] Robert Mayo, in whose possession this purloined letter was found, [45] and acknowledged [46] by him to have handed to ex-President John Q. Adams."

"After [13] receiving these confidential letters from Robert Mayo," says he, "this deponent informed him that he *could not*, [14] nor *would not*, take any measures against those clerks on his confidential complaints; that he must furnish deponent with [15] specific charges, to which those clerks would be called upon to respond; that [16] all men were presumed to be innocent until guilt was established; that [17] every man charged with crime, or acts that would affect his moral character, ought to be heard in his own defence; and that he *would* [18] *not* act upon confidential or *secret* information against any one." Again, to this matter, he says: "A few days [20] after the before-mentioned occurrence, [alluding to a fictitious occurrence devised and brought in between the alleged reception and return of these fictitious letters; which fabricated occurrence will be discussed in the next section,] the plaintiff, Robert Mayo, applied [31] to this deponent to return to him his two confidential letters, containing charges against several clerks." "These letters," he repeats, "as before recited, [10] had been placed in the confidential bureau, where [11] was also deposited the confidential letter of the 10th December, 1830, to Governor Fulton. The drawer being *very* [32] *full*," says he, "this deponent had to take out *many* [33] *papers* to find those requested by Robert Mayo to be returned, and lay them on the table beside [34] which Robert Mayo was sitting. This deponent," he continues, "having found the two letters, [35] returned them to Robert Mayo, and told him never to make charges against any one that he could not establish. During [36] this search," says he, "deponent believes Robert Mayo, seeing [37] this letter marked 'STRICTLY CONFIDENTIAL,' purloined it, as it never could be found," &c.

I should think it would seem passing strange to the minds of most men, how minute General Jackson professes to be in his recollection of the most circumstantial details, after a lapse of many years, and that, too, without a document to assist his memory; while I confess that, with a tolerably retentive memory of my own, I should yet be a little at a loss to recollect with accuracy some of the circumstances of quite an *adverse* state of the facts, without the aid of the mass of documents I have in my possession, to refresh and confirm my recollection of them. Without those documents, and in the absence of my *daily growing knowledge*, for several years past, of General Jackson's UNFORTUNATE FOIBLE, I should, perhaps, be almost induced to doubt the validity of my own recollections in contradiction of such a tissue of peremptory asseverations he has woven into this affidavit.

It has been seen how positively he asserts that the copy of his letter to Fulton was placed, with Fulton's reply and report, in his confidential drawer, (that is, "filed" [56] with it, as Major Donelson expresses it,) and that the copy of the letter, together with the report, were both purloined, as he believed, by Robert Mayo; and now we see, he "further states that no [39] person was permitted to look into this confidential drawer but [40] his private secretary, Andrew J. Donelson, and Andrew Jackson, jr." Yet, again, in another place, he says "and this affiant [42] knows of no one who could have had [43] access to this confidential drawer in his office, or purloined this letter, but [44] Robert Mayo." Now, every sane and ingenuous mind must be at a loss to conceive how I could have had access to this confidential drawer, when no one was permitted to look into it but the two persons mentioned! What, then, can any one imagine, was the nature of the access pretended to be set up for me, *in the face of this* unqualified interdiction? It will be in vain to attempt to make it out from his affidavit, if it be not in that part of it where he fabricates a tale of his making, "a [36] search" in this drawer, in my presence, (for certain alleged 'two confidential [9] letters' of mine, to return them to me, while he would have me to be sitting beside the table on which, his confidential drawer where they were deposited being *very full*, he had to lay *many papers*;) and says, that "during this search, deponent believes Robert Mayo, seeing [37] this letter [meaning his letter to Fulton] marked 'STRICTLY CONFIDENTIAL,' purloined it," &c. Now, passing by the *question of fact*, as to two confidential letters, for due consideration in its proper routine, let it be here supposed that such a *table scene* ever did exist; I would then ask every man who has any acquaintance with the trans-

tions of business at a desk or table, while another is sitting by, what kind of *access* it is, whereby that other could purloin his papers *before his face*, or would dare hazard such an enterprise! Does not the supposition bear absurdity in every aspect of it! What would not be the state of daily insecurity of the documents in the public offices generally, and of every man's private papers, in the transaction of business with our fellow-citizens! Indeed, *such a far-fetched supposition, to dandle a string of falsehoods and absurd reasoning upon, could hardly have been hazarded to tantalize the veriest dupes in the world withal, not even by General Jackson himself, had he not already been emboldened (by the oft-repeated and wonderful instances of public infatuation, in sustaining his outrageous acts and declarations on more important occasions,) to dare say or do any thing that his ambition or malignity might prompt him to, however absurd the one, or ruinous the other to his country's weal!* Such a supposition is sufficient at once to challenge and to defy both the audacity of a pickpocket, and the skill of the most consummate adept in the juggler's art! Nay, it is too preposterous to enlist the credulity even of the proselytes of the *new Jacobin school* of moral depravity sprung up under his CORRUPTING PATRONAGE, much less of any one decent citizen who has a personal respect for that sacred remnant of the bankrupt American stock of honor and good faith, national and individual, with which the Jackson ERA has played such wild and destructive havoc!

It may be worth while here to enter into a little calculation, from which I apprehend a most conclusive argument *ad absurdum* must follow. The deponent says, that after receiving these confidential letters from me, he told me he *would not* take measures against those clerks upon my secret complaints; that I must furnish him with *specific charges*; that “in a few days *thereafter* I presented him with a long list of charges, in writing, against a great many clerks in the different Departments,” which, he says, “were *forthwith* referred to the heads of departments to be fully investigated;” and that “soon after this full investigation, I applied to withdraw these public charges.” And again, that “a few days after that occurrence, I requested him to return me the two confidential letters, which he had placed in his confidential drawer, where the copy of his letter to Mr. Fulton, together with Fulton's reply and report, had been deposited; and that, in looking into his drawer for those two letters, “he had to take out *many papers*, and lay them on the table beside which I was sitting,” [which, of course, supposes that these letters had already gotten nearly to the bottom of the mass of his confidential papers.] He also says that I, seeing the letter to Fulton marked ‘strictly confidential,’ purloined it; [and, of course, that letter was among those taken out, and necessarily was nearer the top of the mass than those two confidential letters of recent date.] Now I shall not trouble the reader with any comment upon the absurdity of so much work being alleged to have been done in rapid succession “in a few days”—for that is the substitute the deponent makes for all dates, months, and years that had been transpiring; but I will call his attention to the absurdity of representing those two letters said to be of recent date, as being already covered over by a mass of other confidential documents, among which the letter to Fulton (which was probably several years old, according to the date of the private secretary's letter in behalf of the President to Mr. De Kræff, which probably fixes the year General Jackson would be speaking of) was nearer to the top of the drawer. It is not for me to conjecture how such extraordinary circumstances could have happened; it was incumbent on the witness to explain them, since he relies upon this table scene alone to show how I might have done what he labors so hard to induce others to believe. If he had really taken pains to file his papers *at all* in classes, as he pretends to have filed Fulton's reply with the original, why could he not have laid hands on those of recent date, without tumbling his papers, pell-mell, old and new, on the table, to find those of recent date at the bottom! But, when he alleged that I *saw* this letter marked [37] ‘strictly confidential,’ and therefore purloined it before his face, he overreached himself, in the malignity of his zeal to convict me of a disgraceful act, by the assertion of what he *could not know*—based, too, upon what *did not exist*; for, in the first place, who will not perceive that this statement discredits itself, when he considers how impossible it is that the affiant could know that I *saw* this letter was marked ‘strictly confidential;’ when, too, he is not even certain it was among those he had laid on the table! And yet what will every one say of the audacity of this device, when, in the next place, they are informed that the letter *in fact* is not so marked on the *outside*, but is so headed *within the folds of it!* But even were it so marked externally, and I did see it so marked, yet might I not ask, what motive could I have had to *select that letter* from a mass of others similarly marked, no doubt, as we are told they were all of the same confidential character! For could I, except by some preternatural gift of intuition, have been able to pitch upon that particular

letter, of the *existence* or the *contents* of which, according to General Jackson's own showing, I could have had no previous knowledge—nor did the endorsement upon it intimate any interest that I could possibly have in—it being addressed to ‘William Fulton, Esq., Secretary of the T. of Florida,’ whom I knew not, and there being, in fact, no such person! And yet, to borrow a little more coloring of plausibility from another fiction or two of his mind, he says, in a disingenuous malignant, and perverted phraseology, pregnant with virtual falsehood, that “in my *possession* this purloined letter was [45] *found*,” and that I acknowledged, [46] having handed it to Mr. Adams; whereas there was neither *finding* nor *acknowledging*, in the sense attempted to be communicated by the *use* and *reiteration* [49] of those scandalizing terms, as they are commonly understood under such circumstances. On the contrary, I had made it a voluntary and special act of my own to exhibit the copy to several gentlemen shortly after receiving it, *before* I showed it to Mr. Adams, whom I authorized to make any use of it that he should think proper, informing him that I intended to publish a *fac simile* of it, and therefore could not let it go out of my possession, but furnished him with a copy. Now, where is the *finding* and the *acknowledging*, as if by compulsion, or process of cross-examination, or any other process than my own voluntary act, of free choice and self-advisement! Ay, it was my pride to hold fast to it, and to proclaim it to the world, had it been the last act of my life—as an *indisputable evidence of a President of the United States descending from the high responsibilities of his lofty station to play second fiddle to a conspirator against the peace and territorial integrity of a neighboring, friendly, sister republic*; making himself *particeps criminis* in the systematic treason of a sworn band of land pirates, in the cowardly act of despoiling the domains of a weaker Power, rent and bowed down with internal troubles, while the mimics of that lawless band, who unwittingly followed their example on a more powerful frontier, were (upon the same *cowardly principle*, which served in the place of *justice*) not merely left to their fate, but prosecuted and punished, not as a sacrifice to the spirit of *equal justice* in behalf of the shorn lamb, but as a propitiation to the *God of War*, that gave a weak and time-serving Executive *affright* in the emblem of a rampant lion! It was for this *exposure* that I have given offence to the *immaculate party*; that is the *grievance* which the deponent, his apologists, and his colleagues have against me—not that they believe I ever did or could have perpetrated the deed imputed; and I doubt not General Jackson would have gone the length to say he saw me take it, if that would not have impugned the idea of purloining; but, thank God, I am too well fortified for him or his confederates to *succeed* in their unhallowed conspiracy against me, or to *cover* their own shame by such a clamor. Indeed, I need not say to any discerning mind that the entire drift of the studied and reiterated *scandalizing* phraseology of the whole affidavit obviously is to defame “the plaintiff in the suit.” It would also be superfluous for me to declare, as I nevertheless solemnly do, that I have no recollection of being present at any time whatever when General Jackson was examining his confidential bureau, or that he had such, unless there be an exception to this, in a particular instance, when he invited me to his chamber to examine certain documents (which he took from a large trunk, not a bureau or table drawer) in relation to his invasion of the Spanish territory of Florida during Mr. Monroe's administration, and which examination I was invited to make, with the view to establish a charge of falsehood he alleged against Mr. Monroe; but having taken no steps in the matter, myself, after examining the documents exhibited to me by General Jackson, I was astonished to perceive that the same thing was attempted some time afterwards, by a communication from Samuel Gwin, Esq., the personal and intimate friend of General Jackson, which communication was published in the Richmond Enquirer, shortly after Gwin had left a clerkship in the Post Office Department here, to officiate in a more lucrative appointment in the Land Office, as register or receiver in Mississippi. The asperities of the original design were much mitigated, however, in that communication, as to the positive inductions of falsehood; but it bore all the other internal evidences of its origin in the *indications* of the then tenant of the President's mansion. I waive any particular notice here, of the palpable discrepancies or incongruities between the deponent's declaration of ‘*belief*’ that I purloined the copy of his letter to Fulton, together with Fulton's report, the subsequent coupling of a reply of Fulton with the report, and his afterwards, throughout the affidavit, characterizing the purloining as being *confined* to the copy of the letter to Fulton, by ever afterwards speaking of it *singly*.

It has been seen that, in order to find me in his mind's eye, and to depict me in his affidavit, as being present beside the table while he was making this search in his confidential drawer, the deponent states that “the plaintiff, Robert Mayo, had written him two [9] confidential letters, making serious charges against many clerks employed by the Gov-

ernment in Washington, in its various departments; that these letters were [10] placed in his confidential drawer in his office, where the confidential letter to Governor Fulton, then Secretary of Arkansas, with his reply [12] and report, were deposited." He then says, that "after [13] receiving these confidential letters from Robert Mayo, the plaintiff, this deponent informed him that he *could* [14] *not*, nor *would not*, take any measures against those clerks on his *confidential complaints*; that he must furnish deponent with specific [15] charges, to which these clerks would be called upon to respond"—alleging "that all [16] men are presumed to be innocent until guilt is established;" "that every [17] man charged with crime, or acts that would affect his moral character, ought to be heard in his own defence; and that he *would* [18] *not* act upon confidential and secret information against any one." He also says that, "a few [30] days after" a certain alleged occurrence presently to be noted, "the plaintiff, Robert Mayo, applied [31] to him, and requested that he, deponent, would return to him his two confidential letters." "These letters," says he, "as before recited, [10] had been placed in the confidential *bureau*, where [11] was also deposited the copy of the confidential letter of the 10th December, 1830, to Governor Fulton." He continues: "the drawer being very [32] full, this deponent had to take out *many* [33] *papers* to find those requested by Robert Mayo to be returned to him, and lay them on the table beside [31] which Robert Mayo was sitting;" and adds, "this deponent having found the two letters, [35] returned them to Robert Mayo, and told him for the future never to make charges against any one that he could not establish;" and, finally, we are enabled to appreciate the object of this smooth tale, when he says, "during [36] this search, deponent believes Robert Mayo, *SEEING* [37] this letter marked '*strictly confidential*,' purloined it," &c. Now, taking in their order these allegations so artfully devised and strung together, I solemnly aver that *I never wrote General Jackson a confidential letter, in any capacity, in my life*—neither so expressed, nor so implied; but always expressed, or implied from their purport, *to be disposed of as he should think proper*. I have many reasons against the *doctrine of secrecy*, against the *inculcation of secrecy*, and never took an *vow of secrecy* on any account. These mysterious devices I view in no better light than cloaks and guards to conceal and protect conspirators and bandits in the execution of their lawless and predatory designs; and I go the extent to say that I have always been a *practical anti-mason* with regard to my own acts; that from principle I *abhor secrecy* in my own affairs, and have an utter aversion to be charged with the *burden of secrecy* in the affairs of others, when it can be avoided; and I hold that a *CONFIDENTIAL COMMUNICATION* upon official business (except in peculiar relations) is *particularly objectionable*, as paralyzing the freedom of efficient action upon the matter communicated. Common sense would say that a discretion should, from the necessity of the case, be always granted to the officer or agent, on such occasions.* If I could ever have a motive that would be sufficient to overcome my *repugnance to secrecy*, it ought to have operated on me in the case of my communication to the President, detailing the plans of Houston's enterprise against the Mexican dominions. I knew Houston was the intimate and cherished friend of General Jackson, long before the election of the latter as President of the United States: that he had been upon the most gracious terms with the President, during

*Secrecy is that dark mysterious cloak which is indispensable to the accomplishment of all the wicked plots wherewith individuals or combinations of men plague and torment their unwary fellow-beings. Whatever be the abundance of their other resources, their lawless enterprises must nevertheless fail, without this impenetrable mantle thrown over the laboratory of their preparations. It has been the chief means of the successive destruction of empires, arising from comparatively small causes, nurtured, ramified, and grown formidable in the dens of the conspirators. To go no further back than the time when General Jackson became the clandestine nominee of Aaron Burr for the Presidency, with the co-operation of masonic associations, we may safely pronounce the success of that intrigue to be the origin of the widespread ruin that has since come over this country, viewed in every aspect of her moral, physical, and political deterioration and fallen condition! What can be more characteristic of the dark purposes of the man, than that declaration of his to Mr. Buchanan, upon being asked whom he would bring about him to constitute his cabinet advisers in the event of his election by the House of Representatives in 1825, when he, in his bitter tone of denunciation and reproof, said, "if he thought a hair of his head knew his intentions, he would pluck it out!" Had it then or afterwards been generally known whom he would select as his associates and advisers, high and low, in achieving the various debasements of the public service and national character, would any man dare entertain the belief or wish that he should ever be elected President of the United States, particularly if he could have taken into the account the deeds which he reserved for the defilement of his second term? But having gradually spread corruption far and wide, by the abuses of his executive patronage, he has brought on that *dark era* in the history of his devoted countrymen, when a considerable majority of them, yet heedless of the destruction in preparation for them, have at last tolerated the dictation of a successor at his hands; who also pusillanimously promised to do him honor therefor, by following the footsteps of his illustrious predecessor, and probably submits to be the tool of his dictations in his nominal retirement. I can but say, the more I see of the disingenuous acts of the Jackson drama, the more am I inclined to view *SECRECY AND INTRIGUE* as *cousins-german* to *DIPLOMATIC LYING*.

his visit here in the winter of 1829-'30, and had been invited, as he (Houston) informed me, to take his lodgings at the President's house, which "he declined for the sake of appearances." From these, and a variety of other circumstances, (among which General Jackson's former agency in the conspiracy of Burr, revived by Houston, is not the least,) I had ample reason to believe that this same General Jackson was already cognisant of this scheme of Houston. I therefore may safely say, without the imputation of vain boasting, now, when I have so fully proved my defiance of unjust suffering in a *thousand shapes* rather than be recreant to the principles of my whole life, that I took great hazard upon myself of being *tomahawked at sight* by Houston, who was a demi-savage by adoption, and of incurring General Jackson's displeasure, while I was, and had been for more than eighteen months, in almost daily expectation of an official appointment—when, as soon as I had other corroborating evidence to sustain me, besides the detailed avowals of Houston, I communicated the whole to the President—in the hope to check-mate this would-be King of Texas, and counteract General Jackson's collusion, if it existed, by interposing the high and sacred obligations of his official station; but it happens that that was a very small impediment to the wilfulness of the GREAT IRRESPONSIBLE! With this view, however, that communication was fearlessly made, and accompanied with the express authority in the first sentence of it, "*to be used in any way your excellency may deem proper.*" I will not, here, go into the *particulars* to show that General Jackson did not make such use of that communication as his high official responsibility called on him to do—that he did not call upon the witnesses I referred him to—that he did not promptly admonish the district attorneys, and other legal agents throughout the West and other scenes of preparation, of their duty in reporting and suppressing those incipient movements—that his call upon Mr. Fulton (the mere Secretary of a Territory, and whose brother I am informed was a recruiting officer of Houston,) was not made in good faith as an efficient measure, but as a *sham*, a *blind*, to give to the conspiracy his *connivance*, and to the communication respecting it an unceremonious, or rather a disingenuous *dismissal*; to which purposes the unofficial character of his letter, with the rigid injunction "strictly confidential" were to be subservient—and that his excuse in said letter, for not addressing it to the Governor instead of the Secretary of the Territory, to wit, "that the Governor is understood to be now in Kentucky," was a sheer assumption to render more opaque the thin veil he was throwing over the transaction, as the Governor was not in Kentucky, but *was* at his post in Arkansas. Nor need I tarry here to show that the negations of Mr. Fulton's individual report (if in fact he ever made one) could not have been satisfactory under all the circumstances; and if it were so considered at the time, there were ample reasons, under the notorious military preparations that shortly ensued through the West, why the President should have made interdictive proclamation, upon those developments accruing, confirmatory of the details I had communicated to him; much less will I here descant upon the direct and wanton discredit he throws upon that communication, in his secret letter to Fulton, and that too without "investigation," "full and fair," of which he makes such vain boasting in another part of his affidavit, on another subject, but WITHOUT TRUTH! Proceeding, then, to the next fiction in this romance of this political mountebank, viz: "that these confidential letters were placed in his confidential drawer," it will be sufficient for me to ask the common sense of every man, what motive could General Jackson have, in the ordinary course of 'secret and confidential' communications, for placing these letters (did they exist) in his confidential executive bureau? Would he not have naturally returned them to me, with his prompt *forthwith*, (at the time he thus disclaimed action upon them,) as being of no value to him? For what purpose could he have retained them, after informing me peremptorily that he *could not* nor *would not* take any measures against those clerks on my confidential complaints? Or, why should it not more reasonably have occurred to me at that juncture to have requested their return, rather than make that request at a subsequent time, when another overwhelming disgrace had supervened, according to his statement, which would naturally have obliterated any thought from my mind of this comparatively small affair! The answer to all this is obvious: the concocted tale would have been imperfect, and shorn of its symmetry—he would not have had it in his power afterwards, to represent me as sitting by his confidential bureau, to purloin a paper from a mass of others, before his face, while he was examining them for those repudiated confidential letters to return them to me by my *request*!

As to the alleged demand of me, that I must furnish him with specific charges to which those clerks would be called on to respond, besides showing, as I now have done, that no such expression could have been used upon an occasion that *never did exist*, I shall be

able to show, on a full investigation hereafter, and in a summary manner, in the *next clause*, that I had full preliminary authority, both by *particular request* from a confidential officer of his lower cabinet, and by repeated *encouragement and recognition* from the President himself, to assist in compiling *LISTS of opposition officers in the departments*, together with a *statement of the reprehensible practices* in any manner connected with persons in office—as auxiliary means of salutary reform, to be acted upon as he should think proper, but in no manner whatever connected with the present subject, or with ‘confidential complaints,’ as he would feign have it. Is it not manifest that this alleged demand of me for “specific charges” is thrown into this affidavit, in order to give some color of *justification for those lists* that were made out by numerous contributors, under authority and circumstances totally disconnected with the matter now in hand? or, to shift the odium of responsibility for them from himself and the other participators in them, upon my shoulders alone? Moreover, is it not palpable to every one in any degree acquainted with General Jackson’s history previous to and during his Presidential terms, that he avails himself of this fabricated occasion to *interpolate a fraudulent profession of principles* by which he pretends to be governed? viz: ‘that all men are presumed to be innocent until guilt is established; that every man charged with crime, or with acts that would affect his moral character, ought to be heard in his own defence!’* Yes, I think I may safely say that every man in this community knows what value to put upon such professions, coming from one who has consigned so many of his fellow-beings to a cruel fate, in direct contravention of those principles—who has ignominiously sacrificed hecatombs of public officers, not only without a hearing, but without a fault, and even without an intimation to them to prepare for the sacrifice, or that there was any imputation against them, (who, ten to one, are better patriots than their wrong-doer,) to make places for political favorites—with a billet or death-warrant of a few parsimonious peremptory words,—‘YOUR SERVICES ARE NO LONGER WANTED;’ which launches the victims and their families *suddenly and unprepared* into a world of vexatious troubles, penury, want, and all the torments of that living death consequent upon this artificial seeming of one’s country’s disfavor, worse than death’s reality, as, living, there is no adequate revenge to sweeten this bitter cup of crying *injustice*, while in death’s reality it would be *forgotten!* But, in my case, by peculiar good fortune in the midst of infuriated party persecution, the blind zeal of an interested deponent has afforded me this occasion of *signal reaction upon my CALUMNIATOR, of which I am proud IF HE WILL LIVE TO FEEL IT!!!*

III. It has just been seen, the deponent states, that upon his refusing to act upon the two confidential letters imputed to me, he told me I must furnish him with specific charges, and then he goes on to say: “The plaintiff, Robert Mayo, in a few days [19] thereafter, (meaning after he required me to furnish him with specific charges,) presented this deponent with a long [20] list of charges in writing against a great many clerks in the different departments, which was *forthwith* [21] referred to the heads of Departments to be fully investigated, upon which [22] investigation Robert Mayo failed [23] to establish *his* charges made against any one individual charged.” Also, that “soon [24] after this full [25] investigation, Robert Mayo applied to [26] this deponent to withdraw these public charges;” that “deponent told him he [27] might, as the charges being made by him and not established, *would*, now being on my public files, *destroy* [28] him as a man of truth forever; and I referred him to my private secretary, Major A. J. Donelson, to get them.” Again: that “this deponent was informed [29] by Robert Mayo and Major Donelson that these public charges against the clerks were given up to him.”

* Here is a fine specimen of that *beau-ideal of systematic lying* by which the wicked so often profess and profane the sacred principles of honor, justice, morality, and religion, in order to conceal their ultra diabolical purposes, which involve the most flagrant infractions of those principles. It would be a very instructive lesson at the present crisis, could the American public have a succinct enumeration of the atrocious deeds that have been perpetrated in all times by the *TURBULENT ANTAGONISTS* of law and civilization, under this specious mask of sacred principles. Such professions constitute the substrata of all the airy superstructures of that fraternity of innovators, disorganizers, anarchists, plunderers, and destructives, who call themselves friends of the people, but are Jacobins in disguise all the world over, and only await the fit occasion to declare war to the knife, war to the hilt, against all the institutions of civilization. This specious system of *LYING* is the sympathetic principle of instinct by which Jacobins recognise each other and assort together, to cheat and supplant the friends of law, order, and rational liberty, in all countries, and continually jeopardize the cause of civilization in all ages. Did not this same sect, in the French Revolution, profess the abstract philosophical principles of liberty, equality, and justice, which they rarely practised when any thing was to be gained by their perversion? Did they not affect to accuse that portion of their fellow-citizens whom they called *ARISTOCRATS*, with murdering and plundering one another, in order to bring disgrace and infamy on their friends and adherents the ferocious *d-mocrats*, whom they had systematically and clandestinely instigated to perform these cruel and savage horrors? And is it not the universal practice of the same sect of the present day, to profess principles they never perform, and accuse their Whig opponents of the abominations familiar only to their own hands, in order to disguise the ulterior revolutionary purposes with which they now imminently threaten the country? Adverting to the party incidents that have taken date from the commencement of the Jackson era, we have superabounding evidence of this system of deception and fraud, in the professions of reform made at the incipience of his administration, which were only meant, as the event has proved, to cover the premeditated sins of official *proscription* on the one hand, and party *favoritism* on the other, to the infinite embarrassment and deterioration of the public service.

In the first specification in this third section, there is a very material error, as I never did present General Jackson with such a list as he describes, of charges made by myself against a great many clerks in the different departments; but I did, at an interval of nearly two years—perhaps a little over two years between—present him with two lists, of which I have spoken in a pamphlet published in 1837, as the *second* and *third* editions of reform; the *first list*, or edition of reform, having been presented to him by some of his coadjutors in reform upon his instalment into office many months before I had visited Washington, or had any knowledge of the proscription then contemplated. The affiant doubtless predicates this statement, in part at least, upon one of those two lists which I presented to him above mentioned; it is not probable that he alludes to the first of them, which I have called the second edition of reform, because that list (a garbled copy of which, if I mistake not, was published in the extra Globe of the 1st of May, 1831) contained comparatively few charges, but consisted chiefly of the names of opposition clerks and officers here, that *had been turned out*, and of others that *yet remained in office*, obnoxious to reform for opinion's sake; in the compilation of which list I assisted William Hunter, Esq., a clerk of Amos Kendall while 4th Auditor, by his (Kendall's) request conveyed to me by his clerk, he retaining one copy for Kendall, and 1 one for General Jackson. This list occasioned little or no public excitement, probably because no action that I know of was ever taken upon it, more than to *plead the forbearance of the President*, through the columns of the Globe and other party prints, *pending the second election campaign of General Jackson, then commenced*. If the deponent alludes to the second list, accompanied with a memorial signed by sundry citizens of Washington, presented to him in May, 1833, then he falsifies the origin of it, as just shown, and is mistaken, wilfully or otherwise, in nearly every thing he alleges in regard to it, except that it was *forthwith* referred to the heads of Departments, or his cabinet, *as I had informed General Cass, his Secretary of War, he would do, the morning previous*. Whether he ordered its contents to be fully investigated, I know not; but that such investigation *was* made, as he asserts, I can prove to be *untrue* by the universal recollection of the clerks, and the gentlemen then officiating in his cabinet, *by whose discountenance, mainly, it was suppressed*. And that I failed to establish my charges against any one individual charged, I can equally prove to be *false*; for a failure to establish, implies that I had an opportunity to do so; whereas, I was denied, on my written application, to be heard, or even to have the witnesses called that had been referred to in support of their own statements, though I always understood that they were ready to substantiate what they had stated; and I repeatedly declared my readiness, both verbally and in writing, to establish the few facts that I had stated. When I presented to the President my written application to be heard, declaring my readiness to go into the investigation of the statements by testimony, he referred me, by endorsement upon the letter, to Mr. McLane, then Secretary of the Treasury. Mr. McLane, being engaged, or perhaps from a determination not to entertain the investigation, *did not see me*; in consequence of which, I repaired directly to the Secretary of War, (General Cass,) as one of the cabinet, and presented him with the reference from the President. Upon presenting the letter, with the President's endorsement upon it, referring it to Mr. McLane, I remarked to General Cass that I had not been able to see Mr. McLane, and that as he (General Cass) would probably be a party in the proposed investigation, and would see Mr. McLane, I preferred handing the letter to *him* in person, rather than let it pass out of my hands through a messenger to Mr. McLane. Upon looking at the superscription, General Cass remarked that General Jackson had a way of endorsing every thing; adding, that *there would be no investigation of the statements*, or words tantamount, and remarked to me, "Why sow the winds to reap the whirlwind?" To which I replied, that he was perhaps not aware of the authority by which the statements had been made out; that as to the *participation* I had in it, I was ready to justify myself with the authority of the President himself, and the cooperation of many of his friends, in whom, one or more of them, the project had originated, and not in myself; that I was ready to establish the facts I had stated of my own knowledge, and had no doubt others would do the same in regard to their statements, if permitted. But, upon thus learning that there would be *no investigation*, I addressed a letter to the President, proposing to withdraw the documents, and about the same time (probably the next day) mentioned the fact to the Secretary of War, who informed me that he had heard of my application to withdraw them, but that the determination was, *that they should not be returned*, stating that the course adopted was, to address a letter to Mr. De Kraftt, and other signers of the memorial that accompanied the list or sequel, to inform them of the determination taken by the President; and he (General Cass) inquired of me, at the

same time, if I had not retained a copy. To which I replied that *I had not*, as it was a long document, and General Jackson had been impatient to have it; that I had a copy of the memorial (see Appendix C) and most of the originals, and the rough materials from which the sequel accompanying it had been made; but that it would be impossible to renew the copy with exactness, in regard to order, matters omitted, or additional information verbally stated to the committee making that copy. Whereupon, he (General Cass) recommended me, if I had any thing to urge in that regard, that I would see Major Donelson, the private secretary of the President, *that morning*, who was probably then about despatching the letter to the memorialists. I did see Major Donelson accordingly, and understood from him the purport above stated, and that, as I was not a signer of the memorial, I was *NOT* considered as having the right to control it or *to withdraw it*. The President's letter, written by his secretary in his behalf, was addressed "To E. DEKRAFFT and others, signers of a MEMORIAL of sundry citizens of Washington, to the PRESIDENT OF THE UNITED STATES." (See Appendix D). On receiving it, Mr. DeKrafft immediately sent for me, and placed it (where it now is, ready to speak for itself) in my hands, the perusal of which also shows the determination of the President to retain the memorial and sequel for further consideration, and *not to act on them for "the present."* It is, therefore, *not true*, both according to my own distinct recollection, and General Jackson's own letter to De Krafft, that he ever told me I might withdraw the document; and it is absolutely *false* that I ever told him that Major Donelson had returned it to me. It is equally untrue that the long list of charges I presented to General Jackson originated in the manner he asserts; it is not true that a full investigation of said list was ever made; it is not true that I failed, on full investigation, to establish any of those charges, there having been no investigation; it is not true that said list was ever returned to me; and, as I have just said, it is *utterly false* that I ever told General Jackson that it was given up to me. I hope this latter statement of the deponent was not made with a view to excuse himself from ever producing that list hereafter; if so, the imperfect materials now in my possession, from which, in part, it was made out, must *tell for it* as well as they can at a future time; and in regard to his declaration, that he told me, as a reason for giving that list up to me, that those charges being made by me and not established *would* now, being on his public files, *destroy me as a man of truth forever*, no man who knows me can believe for a moment that such language was *ever uttered to me* by any one, General Jackson not excepted, without instantly having his nose pulled, his jaws slapped, and *spit in the face* as the minimum of his punishment. But suppose, for an instant, that such were a true statement; then I would ask, what is to be thought of a President of the United States, who could afterwards *confer* or *sanction* frequent appointments on one whom he held to be *thus infamous*? About twelve months after the date of his letter to De Krafft, (say in July, 1834,) at the adjournment of Congress, he called me to him as he took his seat in his carriage, (the Vice President, Mr. Van Buren, seated by his side—Mr. Taney, General Cass, and I think Mr. Forsyth, were present, just taking their carriages on leaving the capitol,) and requested me to "come to-morrow morning" to the mansion. And what was it for? To instruct me to call on the Secretary of State, who would give me an appointment to fill the vacancy of Alexander McIntyre, who had just been removed from the chief clerkship in the Patent Office. Also, in October, 1836, he approved of my appointment as sole clerk in a temporary bureau in the War Department—a bureau of great intricacy, and extremely delicate trust, in which I officiated nearly two years without ever hearing of the slightest dissatisfaction, until the false clamor was raised that I had purloined the copy of General Jackson's letter to Fulton, whereupon I was removed from office *without a hearing*—probably because such a hearing would put the whole conspirators to shame. But I regret not, now, *that injustice*, because I NOW HAVE THE PROSPECT OF A MORE FULL AND FAIR INVESTIGATION BEFORE ME.

In fine, there can be nothing more obvious, upon a survey of this whole subject, than the reflection that, had I the imbecility to pronounce General Jackson's action upon the conspiracy of Houston *all sufficient*, had I the servility to glorify him upon it, *this calumny of purloining would never have been thought of!*

I hope my counsel will be able to find some assistance from this exposé, in making their briefs in the cause; and I cheerfully grant to the opposing counsel all the benefit they can derive from it in the defence.

ROBERT MAYO.

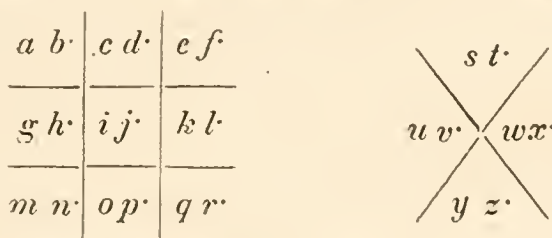
WASHINGTON CITY, December 23, 1839.

APPENDIX.

By a careful examination of the following documents, [A] and [C], with the respective actions on them, [B] and [D], the reader will perceive how each of the former is virtually falsified in the two latter, and set at naught by the President. To assist in this comparison, I will only here make a single general remark in relation to document [A], that no examination of witnesses had been made, to my knowledge, to justify the President in saying, in document [B], that no facts had been established, and he was induced to believe the circumstances communicated to him were erroneous. And in relation to document [C], that its prayer did not ask for the removal of any one, as he more than insinuates in document [D], but submits the statements for such disposition as to his excellency might seem fit and proper, &c. In fine, I shall ever be of opinion that the documents [A] and [C] were entitled to a more efficient action; but the reader can only appreciate the entire merits on a future perusal of the whole of the documents.

[A.]

[Original letter addressed to the President in 1830, and returned in 1836.]



“ To General ANDREW JACKSON, *President of the United States*:

“ The enclosed is the scheme of a Secret Alphabet, in the hand-writing of a Mr. Hunter, which came into my possession in the manner hereinafter mentioned, and which I confide to your excellency, together with the following statement of facts, to be used in any way your excellency may deem proper. Written out, the Alphabet stands thus:

[In the original letter, the thirteen compartments of the above diagram are separated into their elements, consisting of two letters each, distinguished by a dot; that is, *a* and *b* are the same, except that *b* has a dot; and so on with the rest, giving the entire alphabet.]

“ In making the following statement, it seems to me desirable, with a view to brevity, without impairing or obscuring the facts, to avoid that circumlocution which a minute detail of contingent and immaterial circumstances would involve.

“ Some time in the month of February last, as nearly as I can recollect—certainly very shortly after General Samuel Houston arrived in this city—I was introduced to him at Brown’s hotel, where both of us had taken lodgings. Our rooms were on the same floor, and convenient for social intercourse; which, from the general’s courteous manners, and my own desire to be enabled to do him justice in my own estimation, relative to his abandoning his family and abdicating the Government of Tennessee, readily became frequent and intimate. Upon what he perhaps deemed a suitable maturity of acquaintance, he spoke freely and minutely of his past history. He spoke of his separation from Mrs. H. with great sensibility, and deprecated the injurious impression it had made upon a considerable portion of the public mind, disparaging the *sanity* of his intellect, or rectitude of his moral character. Judging favorably, no doubt, of the progress of our acquaintance, and the prepossessing impression it had made on me in relation to the salubrity and general competency of his intelligence, with rectitude of impulses, he complained of the inadequate defence volunteered in his behalf by the editor of the Richmond Enquirer, and solicited me to write communications for the columns of that paper, and use my friendly interest with the editor for their publication. I promised to make a sketch of something anonymous respecting my favorable impressions, and show it to him. But, before I had time or full pliancy of mind to digest any thoughts upon the subject, our frequent interviews, and his confidence in my serving his ends, doubtless, induced him to avow to me more particularly the ground of his solicitude to have his character and mental competency elevated before the public. He descanted on the immense field for enterprise in the Indian settlement beyond the Mississippi, and through that, as a stepping-stone, in Texas; and recommended me to direct my destinies that way. Without making any promises or commitments, I did not discourage, at this stage, his inflated schemes for my advancement, as I had a curiosity, now on tip-toe, to hear his romantic projections; for his manner and his enthusiasm were, at least, entertaining. Accordingly, he went on to develop much of a systematic enterprise, but not half what I have since learnt from another source; perhaps because he discovered that my interest in the subject did not keep pace with the anticipations he had formed for the progress of his disclosures. I learnt from him these facts and speculations, viz:

“ That he was organizing an expedition against Texas; to afford a cloak to which, he had assumed the Indian costume, habits, and associations, by settling among them, in the neighborhood of Texas. That nothing was more easy to accomplish than the conquest and possession of that extensive and fertile country, by the

co-operation of the Indians in the Arkansas Territory, and recruits among the citizens of the United States. That in his view it would hardly be necessary to strike a blow to wrest Texas from Mexico. That it was ample for the establishment and maintenance of a separate and independent government from the United States. That the expedition would be got ready with all possible despatch—that the demonstration would and *must* be made in about twelve months from *that time*. That the event of success opened the most unbounded prospects of wealth to those who would embark in it; and that it was with a view to facilitate his recruits, he wished to elevate himself in the public confidence by the aid of my communications to the Richmond Enquirer. That I should have a surgency in the expedition, and recommended me in the mean time to remove along with him, and practise physic among the Indians in the Territory.

“As the matter began to assume the shape of a close and substantial proposition, I felt myself under the necessity to be decisive, which put an end to the further detail of his plans. I declined the overtures for my participation; and farther told him, by way of *exonerating* myself from the promise to make communications to the Enquirer, without exciting his apprehensions of my *active* hostility to his views, that it would be very *impolitic* to attract the public attention towards himself in that general and indiscriminate manner; that it would surely invite inquiry from some quarter about the motives of such communications, which would probably issue in ferreting out his whole scheme. After this, our interviews fell into neglect—our intercourse consisted only of salutations of civility—he sought not my company, and, as a matter of prudence, I rather avoided his.

“In the early part of our intercourse, General Houston informed me that he had volunteered to assure the President that he had no desire for an appointment of any sort under his administration; that he believed the President would give him almost any thing he would request; but that he took into consideration the prejudice with which an appointment conferred on him might be regarded by the public, subsisting the circumstances and causes of his exile. Yet, I have understood from indisputable authority that General Houston did apply for and solicit the appointment to furnish provisions, &c., for the Indians, &c., at the charge of the United States, in that quarter; which was denied him. But, whether that wish has not been, as to his views, sufficiently substituted by the successful application of a most intimate friend of his, (General Van Fossen, lately of New York,) is a problem perhaps not unworthy of inquiry. In the month of March, General Houston visited Baltimore, Philadelphia, and New York, and did intend to have gone as far as Boston, as he informed me, under such circumstances as made the inference of his business a matter hardly to be doubted.

“Some time in the month of June, shortly after the adjournment of Congress, (or possibly in May, a short time before adjournment,) having returned to Richmond, I met with a young gentleman in that place by the name of Murray, from Tennessee, on his return home through the southern States. I had become acquainted with him, in this city, early in the winter. He had also told me that he wanted no employment from the Government, but was travelling rather for his personal gratification. A considerable portion of the winter he had passed in a town to the north. When I called on him in Richmond, I made an oblique turn of conversation, upon the mysterious conduct of General Houston; and expressed a surmise that he must have some very deep views in exiling himself from the civilized world, to settle among the Indians. This, Mr. Murray readily confirmed, apparently, as if he thought it a perfectly innocent and legitimate matter, or as a thing of common rumor, and of no concern to him—by remarking that the general was organizing an expedition to take possession of Texas. Upon my asking him how he knew *that*, he replied, ‘that it was a good deal spoken of at Washington.’ I did not press the subject sufficiently to satisfy my mind whether it was by common rumor, or among recruits only, that Mr. Murray meant it was spoken of, as Mr. M’s movements indicated to me some agency in the business; and too much curiosity on my part, after having declined co-operation, with which he might already be, or might become acquainted, would possibly excite alarm, and induce the parties to remodel their plan with greater secrecy and security.

“Shortly after my return to this city, a few weeks ago, a Mr. Hunter, lately dismissed from West Point, came to take lodgings in the house where I boarded. He presently discovered himself to be very indiscreet, and boastful of himself, whether in relation to advantages real or imaginary. On a visit to my apartment, being in pecuniary embarrassments, and unable to redeem his baggage from the house he last boarded at, he fell to boasting of the funds he was daily expecting by the mail, of his father’s present riches, and still greater wealth before his misfortunes, and of his own possessions, independent of his father, whereof he had already spent five thousand dollars in enjoying life. But, says he, all that is nothing to the unbounded prospects I have of wealth in the future. Indeed! said I, how is it that you can engender wealth to repair your extravagance with such facility! Ah, says he, that is a secret. I will lay my life, said I, it is a scheme upon Texas. He, hesitatingly, said yes, something like it. And, said I, General Houston is the projector and conductor of the enterprise. At this he was so impressed with the conviction that I knew all about the plan, and was one of the recruits, that he declared it to be his belief, and asked me some questions to that effect. I declined answering, remarking that I did not believe he knew any thing about it, and should tell him nothing. Upon this issue, to vindicate his knowledge and alleged fraternity, he set in to tell me every thing.

“Says he, there is your name, (writing my name on the table in cipher, where it yet stands unobliterated.) I was still incredulous. He asked for pen, ink, and paper, and wrote the scheme here enclosed, and then wrote my name at the bottom.

“That he was a *bona fide* agent of the recruiting service for this District; and that there were agencies established in all the principal towns, and various parts of the United States; and that this conventional alphabet was the channel of correspondence. That several thousands had already enlisted along the sea board, from New England to Georgia, inclusive. That each man paid thirty dollars to the common fund, and took an oath of secrecy and good faith to the cause, on joining the party. That they were to repair, in their individual capacities, as travellers, to different points on the banks of the Mississippi, where they had already chartered steamboats, on which to embark, and thence ply to their rendezvous, somewhere in the Territory of Arkansas, or Texas, convenient for action, (the plan not specified to me.) That it was contemplated to supersede General Houston in the civil government, when the military operations were over; and that they meant to establish an independent Government, and resist any attempt of the United States to wrest so valuable a prize from them.

“He finally appealed to me again, with some concern, to say if I were not one of the party. I observed, that I should tell him nothing about it; and changed the subject to some levity, and afterwards avoided his further importunities, &c.

“I am, very respectfully, your obedient servant,

“R. MAYO.

“WASHINGTON CITY, D. C., December 2, 1830.”

[B.]

(“Strictly confidential.”)

“WASHINGTON, December 10, 1830.

“DEAR SIR: It has been stated to me that an extensive expedition against Texas is organizing in the United States, with a view to the establishment of an independent Government in that province, and that Gen-

eral Houston is to be at the head of it. From all the circumstances *communicated to me upon this subject, and which have fallen under my observation*, I am induced to believe and hope (notwithstanding the circumstantial manner in which it is related to me) that the information I have received is *erroneous*, and it is unnecessary that I should add *my sincere wish* that it may be so. *No movements have been made, nor have any facts been established*, which would require or would justify the adoption of official proceedings against individuals implicated; yet so strong is the detestation of the criminal steps alluded to, and such are my apprehensions of the extent to which the peace and honor of the country might be compromised by it, as to make me anxious to do every thing short of it which may serve to elicit the truth, and to furnish me with the necessary facts (if they exist) to lay the foundation of further measures.

"It is said that enlistments have been made for the enterprise in various parts of the Union; that the confederates are to repair, as travellers, to different points of the Mississippi, where they have already chartered steamboats in which to embark; that the point of rendezvous is to be in the Arkansas Territory; and that the co-operation of the Indians is looked to by those engaged in the contemplated expedition.

"I know of no one whose situation will better enable him to watch the course of things, and keep me truly and constantly advised of any movements which may serve to justify the suspicions which are entertained, than yourself; and I know I can rely with confidence on your fidelity and activity. To secure your exertions in that regard, is the object of this letter; and it is because I wish it to be considered rather as a private than an official act, that it is addressed to you instead of the Governor, (who is understood to be now in Kentucky.)

"The course to be pursued to effect the object in view must of necessity be left to your discretion, enjoining only that the utmost secrecy be observed on your part. If, in the performance of the duty required of you, any expenses are necessarily incurred by you, I will see they are refunded.

"I am, respectfully, yours,

"ANDREW JACKSON

"WM. FULTON, Esq."

[C.]

"The memorial of sundry citizens of Washington, to his Excellency ANDREW JACKSON, President of the United States, GREETING:

"Your memorialists respectfully beg leave to approach your Excellency with the most grateful sensibilities for the benefits which have accrued, and are daily maturing, through the instrumentality of your auspicious administration, in advancing the prosperity of our common country, by the happy adjustment of our foreign relations, and the conciliatory propitiation of our internal discontents.

"But your memorialists are not unaware of the humiliating truth, that, while the details of these momentous concerns have continually received the most prompt consideration and efficient action because they are under the more immediate recognition and control of your Excellency, they constitute but a comparatively remote object of concern with the citizens of Washington, and affect them only in their small participations with the all-absorbing commercial and manufacturing interests of the Union at large. Whereas, the details of the official responsibility and moral department in the minor officers of the Government, located here, while they more closely affect the interests and character of the citizens of Washington, they are of vastly inferior executive consideration, and are too remote from your personal supervision for any delinquency therein to reach your knowledge for correction, except by the volunteer information of those directly cognizant of the facts and most deeply interested in their reformation.

"That the citizens of Washington may have a more minute knowledge of official abuses and moral depravity at the seat of government, and feel a deeper interest in their correction, than any other portion of the Union, your memorialists presume to believe your Excellency will yield a ready assent. Your memorialists also entertain the belief that the national character, both at home and abroad, is necessarily assimilated to, and tinctured by, that of the Metropolis; while the character of its citizens must be still more immediately identified with the official integrity and moral department of the officers of Government residing among them, forming as they do so great a proportion of its temporary inhabitants.

"Furthermore, your memorialists cannot suppress the heart-rending conviction that the rapid growth and nurture of fraud, alone, at the seat of government, evincing in many instances the most awful want of integrity and obduracy of conscience in the servants of the people, tends more to alienate their affections from the sacred union of the States, than all the local and sectional incongruities taken in a mass. Nay, your memorialists may add, that the audacity of defaulters within a few years, and of recent date, together with a frequent repetition of minor improprieties of daily notoriety, bear a striking analogy to the oft-repeated and daring infractions of law and decorum in the dense population of large towns, where the calculation seems to be, that the delinquent will be lost sight of in the crowd, or, if seen, that he will be borne in countenance by the depraved gratulations of an *extensive fraternity*. Nor can your memorialists resist the belief that any grade of un-officerly conduct is but a miniature, in its own degree, of the most atrocious outrage, and, while regarded with too much lenity, is only nurtured in its tendency to the grossest results.

"Under this aspect of a subject interesting, in a remote degree, to the whole Union, but vital in its bearings on the interests and character of the Metropolis, your memorialists beg leave to submit to the consideration of your Excellency the accompanying statements and specifications, *vouched for by respectable names and references*; and pray your Excellency will grant such relief in the premises as to your Excellency may seem fit and proper, whether by removal of the incumbents in the more OBJECTIONABLE CASES, and the inter-diction of the future repetition of the MINOR OFFENCES, or otherwise dispose of the same as may best conduce to the interest of the Metropolis, secure the credibility of the public service, and preserve the affection of the people for the perpetuity of the Federal Government; and your memorialists will ever pray," &c.

(Signed by twenty or thirty citizens.)

[D.]

[The envelope of the letter, of which the following is a copy, had this address: "To E. De Krafft and others, signers of a memorial of sundry citizens of Washington to the President of the United States."]

"WASHINGTON, May 29, 1835.

"GENTLEMEN: I am directed by the President of the United States to state to you the determination which he had taken upon your memorial and the paper accompanying it, previously to the application for their withdrawal, made yesterday by Dr. Mayo.

"Many of the allegations contained in the paper entitled "A Sequel to the Memorial," and which was delivered with the memorial to the President, are not such as would warrant the removal of the individuals accused, even if they should prove to be well founded. The President, moreover, has been informed, in writing, by several of those whose names are subscribed to the memorial, that they had never seen the "Sequel:"

that they had no knowledge of the accusations therein contained; and that they desire to disclaim all connexion whatever with it.

"Under these circumstances, the President does not deem these papers of such a nature *as at present to require* or authorize his particular interference. The character of the President, however, is a sufficient guaranty that, whenever specific charges of incompetence or official misconduct shall be made by yourselves, or responsible individuals, against any person in office, he will promptly direct such an investigation as the good of the service and justice to all parties shall require.

"Very respectfully, your obedient servant,

"A. J. DONELSON.

"To E. DE KRAFFT and others, memorialists."

After all that had transpired, of high advisement and approved preparation, I will leave the reader to judge with what profound astonishment I received a message from Mr. Edward De Krafft, requesting me to peruse so *evasive* a letter! True, I had learned that there would be no action upon the matters stated in the sequel to the memorial, and for that reason had requested leave to withdraw them, in order to use them in obedience to any emergency; but, as luck would have it, they were refused, and I have had the ineffable satisfaction to find, in justification of those statements, that all the reform which has taken place since has fallen upon General Jackson's own delinquents, then and afterwards called to his notice, in the General Post Office, the Land Office, the Patent Office, &c. &c.

The movement taken by several signers of the memorial, in disclaiming all connexion with it, on account of the charges preferred in the sequel to it, ought, perhaps, to be explained here, lest it should be considered as *prima facie* condemnation of the document, which the explanation will show was not the fact. Let it first be observed that many of the signers of the memorial adhered to the prayer of the memorial that an investigation should be had; and that therefore the withdrawal of others should not properly have forestalled inquiry from the President, under whose encouraging countenance and approbation the document had been made out and presented. Next, let it be considered that several of the signers of the memorial who seceded from it, had, themselves, preferred many of the charges embraced in the sequel; but, upon learning that some of their own personal friends were also indicted by others, they, in order to save those friends from inquiry, took measures to nullify the document. Such, I personally know, was the cause of Mr. DeKrafft's withdrawal. He was the first signer of the memorial; he made many of the charges embraced in the sequel; and he was the first to withdraw to save his friend. It was a very easy matter to get others to follow that example; and I was afterwards emphatically told by one of the indicted that the failure of investigation was occasioned by the great number included in the bill, combining to defeat it—the memorialists being, all of them, political friends of the Administration, as well as I recollect; and, there being very many friends of the Administration included in the bill, it was easy to effect such a compromise as would exonerate all from the scrutiny of a time-serving Administration. Nor need any one marvel at such a result who is at all conversant with that animal instinct by which the lion, the fox, and the jackal coalesce against the community of the forest; of which, it appears, we have had a recent illustration in another sphere of the animal creation!

ANOTHER JACKSON AFFIDAVIT—EXECUTIVE CHICANERY—A NEW COALITION— THREATENED REVOLUTION.

It is a sufficiently remarkable fact to claim a passing notice here, that, at the very moment I am concluding this exposition of the foregoing scandalous affidavit, in which General Jackson assumes to be so wonderfully minute in his recollection of comparatively trivial incidents which he alleges to have taken place in 1833, Samuel L. Gouverneur, Esq., late postmaster of New York, is actually exposing, by a series of numbers in the New York Courier and Enquirer, the falsehoods of another affidavit of General Jackson, given in the suit of the Post Office Department against Mr. Gouverneur—in which suit Mr. Gouverneur, as I understand, claimed offsets to a large amount, for loans or advances to the Post Office Department while it was under the management of William T. Barry, Esq., and proves by living witnesses and documentary evidence that those loans were made with the approbation and grateful acknowledgments of the late President himself; of which, nevertheless, in his said affidavit, he utterly denies *having any recollection*, and attempts to disprove *the facts* by a series of *other alleged recollections*, which he states with the same unscrupulous *air* of confidence and boldness as he does the matters he sets forth in the foregoing affidavit. I have seen two only of five numbers of Mr. Gouverneur's review of the affidavit in his case. If General Jackson did consult Mr. Taney, as he says he did, it only proves that he could take counsel of a saint, for form's sake, while he follows the

instigation of the Fiend of Darkness. All must award him skill, however, in providing *confidants* on the one hand, and *dupes* on the other, as *safety-valves* to guard the duplicity of his acts from detection; but by a providential deficiency in some of those very guards, to use a modern technicality, he has burst his boiler after all. I take the following extract from the fourth number of Mr. G., in the *Courier* of the 24th December ultimo:

"To the *third question* the then President replies: 'He has no personal knowledge of any loans made by the Postmaster General on his authority. He heard, *in Boston*, that loans from banks had been made by that officer or his agents to sustain the Department; but no such loans were ever authorized by this deponent. On the contrary, he always told the Postmaster General he had no authority to borrow money on the faith of the Government, whatever he might do in his individual capacity; nor did he ever directly or indirectly assert the right of the Postmaster General to borrow money, except on his own responsibility; and such was the opinion of the Secretary, Mr. Taney, communicated by him, in my presence, to the Postmaster General. To be more explicit on this point, the view entertained by this deponent, of the power of the head of the Post Office Department, was, that he could not commit the Government in a loan of money; that there was no law to authorize it; that he must carry on the Department on its own legal means, by its proper credit alone, and his own responsibility.'"

In refutation of this statement of General Jackson, in answer to the third question in behalf of the Post Office Department, Mr. Gouverneur shows that James A. Hamilton, Esq., of New York, made "a liberal offer to Mr. Barry to lend the Department money;" which offer "was enclosed *open* to the then President himself;" and that "Mr. Barry's reply to Hamilton, received directly from the President, was produced in court." Mr. Gouverneur also says, "an original letter of William T. Barry, dated the 8th March, 1834, is now before me"—from which he quotes these words: "Congress will sustain the President in his course. We shall have to rely on the aid of State banks, and the President *assures me that the Seventh Ward Bank shall be remembered.*" [This was shortly after and during the removal of the deposits.] Remembered "for what?" says Mr. Gouverneur. "At two moments of the greatest pressure they had lent the Post Office Department about \$60,000." Mr. Gouverneur continues: "Another original letter from William T. Barry, of the 12th April, 1834, is now before me. He says, 'The matter between myself and Hamilton is *confidential*. I have conversed with the President. *He knows all about it*, and says it is *right*.' The letter proceeds to say, 'He (*the then President*) says it is my privilege to borrow of whoever will lend, and obtain all the aid I can in passing through my difficulties.'" I shall make no further extracts on this affidavit of *the MAN-OF-AFFIDAVITS!* I presume these are sufficient to give the reader some idea of the sort of man I have had to deal with, in executing *commissions* to assist in compiling information for Executive action, as I understood it, in redeeming a public pledge of salutary reform. What I did was in good faith, with the expectation of a general investigation of the actual condition of the public service in the several Departments, and that it would result in the establishment of uniform rules of administration in each, with a strict accountability and fidelity to the public service. But General Jackson's treachery towards me in that case, as may be seen in the above letter to De Krafft, (leaving me in the false position of a volunteer of *proscription*, which he in fact set on foot, and which I in fact arrested, by including his own favorites as well as the intended victims of proscription,) was but the beginning of the numerous other instances yet to be recited in my forthcoming book.

Executive *chicanery* is at all times a difficult skein to unravel. And, besides the elusive mercurial properties of the subject itself, there are great impediments thrown in the way of such investigations in this country, from the unsuspecting confidence naturally bestowed by a liberal-minded people on their chosen agents, presumed to be fully worthy of their trust; so that, under any circumstances, much mischief might be done by ambitious, recreant ingrates, in the way of Executive abuses and usurpation, before suspicion could be awakened, or ejection from office arrest its progress. And yet, viewed in a party light, the evil is still greater, as it has become almost the universal practice of those who have contributed their votes and their personal influence to elect a Chief Magistrate, to grant him a *carte blanche* for whatever he may think proper to do, and to cast odium and reproach upon the motives of those who would dare to scrutinise the propriety of Executive conduct; whereas it would be a much safer rule for all patriotic citizens, after exerting their best efforts to confer high trusts even upon the most eminent men of their own party, to keep a vigilant watch upon them, and hold them to as strict accountability as if they had been among the most active opposers of their selection. In the course of the late administration, and so far as the present has progressed, (which is properly but a continuance of the preceding,) this unqualified sanction of their acts by their party adherents has been extended not only to the hearty support of wild innovations and lawless experiments, never thought of before they were installed—not only to the justification of practices that had been disclaimed and denounced by them in order to insure their election—but they have been ad-

hered to, and their friends conjured to *sink* or *swim* with them, notwithstanding the multiplied infractions of the constitution and law, and a contemptuous defiance of the legislative and judicial authorities, until at length we see that engulfing *Tiers Etat* (reversing the order of the French revolution) virtually realized by the consolidation of the State and Federal Governments into an EXECUTIVE ABSOLUTE, so long predicted! Of this fact, the recent demonstrations of Executive influence in all the State elections, reducing them, as it were, to a provincial subserviency to the will of a despot, is one evidence; it is also demonstrated by the Executive influence more recently exerted over the organization of the House of Representatives, to the exclusion of the New Jersey delegation—virtually nullifying a sovereign State, by means of a corrupt coalition (as goes the rumor reversing the direction of the thunder of nullification) with the boasted champion of the State-rights party, entered into, doubtless, for their reciprocal benefit, at the dear cost of their country—that is, in order to insure an executive party character to the officers and the committees of the House, to ward off investigations of Executive abuses and corruption, to secure the re-election of the present incumbent, *on the one part*, and to enable him to indemnify his wronged antagonist on a former occasion, *on the other part*, by bestowing on him the reversion of the presidency hereafter, as General Jackson had done to him *of the first part*, when, by their united artifices, they succeeded in supplanting their present hireling and coadjutor, *of the second part*. Again: the fact of virtual consolidation is demonstrated in the denunciations of the recent Executive message against yet other reserved rights of the States, in relation to their corporate institutions, whose constitutionality and stability are assailed in still more systematic terms, in a *fourth* attempt to *dictate* to Congress the establishment of an unconstitutional mammoth federal institution as the inevitable foundation of an overtowering national bank, that will swallow up all the State institutions; and, to cap the climax of Executive arrogance, he urges this latter measure with redoubled audacity, by addressing himself to the fears of the Representatives of the people, holding up to their imaginations the terrors of an awful alternative, *bloody revolution*, if a *peaceful revolution* cannot be wrung from their quailing hearts. For *REVOLUTION* is his aim, as he so denominates the reform he, for the fourth time, urges upon Congress, to be effected by the establishment of a paramount independent treasury, (miscalled, by design, a sub-treasury,) but truly a mammoth bank in disguise, which he connects with, and makes an indispensable reciprocating agent in, the destruction of all State corporations whatever. In fine, it is still more clearly and unequivocally demonstrated, when we see, in the last paragraph but one of his message, that he endorses the very counterpart expression of Amos Kendall, denounced in his Hickory Club address, in 1832,* against all corporations as “a young nobility system,” against which General Jackson had aimed the first blow of destruction—when we see he endorses the like, but perhaps more sweeping denunciation, by his leader in the Senate, Mr. Wright, launched forth in a speech delivered before his democratic constituents during the recess, in which he declared that the glorious revolution of our patriotic forefathers was not yet complete; that we have yet “to rid ourselves of the *ARISTOCRACY*” of this land of liberty! and how! by cutting off the head, and dividing the spoils, of her principal citizens, where it was supposed that industry was patronised and property protected! I grant that this endorsement is made in Mr. Van Buren’s accustomed indirect, parenthetical, and equivocal manner; but it is not the less ardently meant, and for which, if any thing, he should be held the more

* All the allusions of this BUTTENDER of the President’s message were most graphically prefigured in the address of Amos Kendall to the Hickory Club festival of the 5th December, 1832. These were his fatal words:

“The United States have their *young nobility system*. Its head is the Bank of the United States; its right arm a protecting tariff and manufacturing monopolies; its left, *growing State debts* and *State incorporations*.

“The *VETO* of our illustrious President, so triumphantly sustained by the people, has bruised the *HEAD* of the *young serpent*. Be it *our duty*, and that of the *people*, TO SEE THAT IT NEVER RECOVERS FROM THE BLOW!” [Accordingly, in less than twelve months, this soothsayer removed the deposits, and administered the surfeit to the other banks.]

“The *manufacturing monopolies* are, if possible, a *GREATER CURSE*! It is an error to say their evils fall exclusively upon the South! They do *more injury* to the people of the States *where they are located* THAN TO ANY OTHERS,” &c., &c.

It would now be superfluous to say that facts upon facts are strongly developing the probability that we have had a MAELZEL to superintend the *political chess-board* of two Presidents, who, as successive AUTOMATONS exposed to public view, *have made the moves indicated from BEHIND THE CURTAIN*! Thus has he, by favor of his ensconced position, been the great manufacturer of public opinion, by the monopoly of which he has made much, and may yet for a season make more; but will the American people long submit to such a humiliation?

responsible. Grant, I say, that it is only brought in by a side wind, after a long tirade against the abuses of all State corporations, which, by changing a single term, would be a better description of the *Federal Executive abuses* that gave existence to that immense progeny of corporations, and the relaxed morals of the guardians into whose hands they have been intrusted. Let the reader peruse and ponder upon the following extract with which Mr. Van Buren concludes his denunciation of all corporations, as "a system of exclusive privileges conferred by partial legislation," and then say, if he dare, that the President of the United States has not most solemnly invoked the demon of bloody revolution against the institutions of the sovereign States of this confederacy, "whenever it becomes necessary" to accomplish that great and radical revolution, which he insists must be done, *per fas aut nefas*—peaceably if he can, forcibly if he must!

"To remove the influences which had thus gradually grown up among us—to deprive them of their deceptive advantages—to test them by the light of wisdom and truth—to oppose the force which they concentrate in their support—all this was necessarily the work of time, even among a people so enlightened and pure as that of the United States. In most other countries, perhaps, it could only be accomplished through that series of revolutionary movements, which are too often found necessary to effect any great and radical reform; but it is the crowning merit of our institutions, that they create and nourish, in the vast majority of our people, a disposition and a power peaceably to remedy abuses which have elsewhere caused the effusion of rivers of blood, and the sacrifice of thousands of the human race. The result *thus far* is most honorable to the *self-denial*, the intelligence, and the patriotism of our citizens: it justifies the confident hope that they will carry through the reform which has been so well begun, and that they will go *still farther* than they have yet gone in illustrating the important truth, that a people as free and enlightened as ours will, *whenever it becomes necessary*, show themselves to be indeed capable of self-government, by voluntarily adopting *appropriate remedies* for every abuse, and submitting to *temporary sacrifices*, HOWEVER GREAT, to insure their permanent welfare."

Was the President more explicit than this, when he claimed, *indirectly and parenthetically*, to be a constituent part of the legislative power! That he did so, by such indirection, all must agree, was to let it pass unobserved, and be sanctioned by silence, without raising a question upon it; and just so with this treasonable invocation of the spirit of BLOODY REVOLUTION!

Oh! VAN, *thou caitiff!* Oh! CATILINE, *thou worse than caitiff!* Ah! AMOS, dost thou "MOULD AND TOUCH" THEM TOO?

R. M.

WASHINGTON CITY, D. C., January 5, 1840.





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