

Vanishing Georgia

Old Jails – The Treason of Aaron Burr

BY DANIEL M. ROPER

Every time Aaron Burr came to Georgia, he was in distress or under duress. His temper and grandiose political intrigues kept the third Vice President of the United States and hero of the American Revolution in hot water. One time, he came as a fugitive from the law. The next, he was in custody and charged with treason.

Burr's first visit was in late August 1804, six weeks after he fatally shot Alexander Hamilton in a duel in New Jersey, his native state. When Hamilton died in New York City, both New Jersey and New York charged Burr with murder. Hoping that passions would cool with time, he sought refuge on St. Simons Island, where he lodged with a friend, former U.S. Senator Pierce Butler.

To Burr the island people seemed welcoming, but not the climate and lay of the land. The heat and the many swamps seemed unhealthy for everything but insects. "Moschetoës, flies, and cockroaches abounded," he wrote his daughter. He noted that the few inhabitants at Frederica Old Town had "a sickly, melancholy appearance, well assorted with the ruins which surround them."¹

His timing couldn't have been worse. Two weeks after his arrival, St. Simons endured the cataclysmic Hurricane of 1804. The vice president was at John Couper's plantation when the storm arrived. The wind blew so hard and long that the Couper house "shook and rocked so much that Mr. C began to express his apprehensions for our safety." Windows broke, a seven-foot storm surge inundated the house, and a chimney fell. Burr and his host survived, but the storm made travel difficult, so he scaled back plans to spend time in Spanish Florida.

Late in the year, Burr returned to Washington, D.C., where he finished his

vice-presidential term in early 1805. New York and New Jersey eventually dropped the murder charges against him, but Hamilton's death left his reputation forever tarnished. He never again held a significant political position.

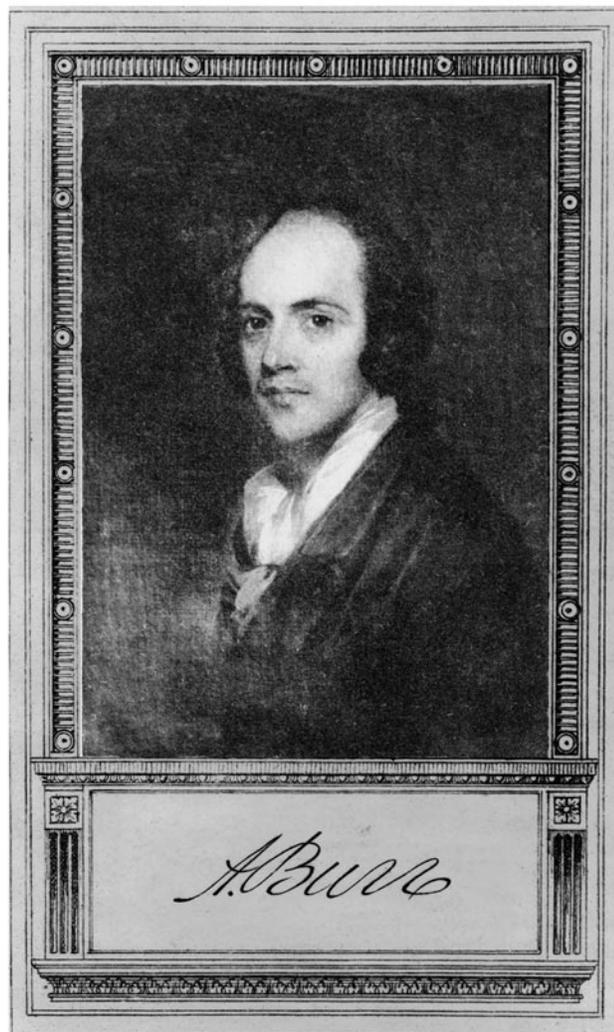
Following his vice presidency and an unsuccessful bid for the governorship of New York, Burr's thoughts turned to the American frontier, where empires might be made. He hatched a plan to raise an army to strengthen America's hold on the newly acquired Louisiana Purchase territory. Like many, he expected a war with Spain, which had colonies to the east (Florida) and west (Mexico). If allegations against him were true, his early plan metastasized into an implausible scheme to install himself as monarch of Mexico.

One of Burr's early allies in his western venture was General James Wilkinson, governor of the Louisiana Territory. During the Revolution, Wilkinson and Burr had served in General Benedict Arnold's bold but unsuccessful campaign to take Quebec City and seize Canada for the United Colonies. By 1806, Wilkinson was the senior officer in the U.S. army and was posted in St. Louis. He was also a paid spy for Spain. His espionage was suspected almost from the start, but proof wasn't forthcoming until long after his death, decades later. History would not judge him kindly. Theodore Roosevelt said of him, "In all our history, there has been no more despicable character."²

Burr was just 19 years old when Arnold invaded Canada.

During the snowy assault on Quebec on New Year's Eve of 1775, General Richard Montgomery died in his arms, and he became a heroic, almost mythic figure. The storm kept him from carrying Montgomery's body from the city, but Arnold praised him after the battle. He quickly rose in the ranks of the Continental Army, serving on the staffs of generals George Washington and Israel Putnam. Then, in 1779, he resigned from the army due to poor health.

The young veteran began practicing





Discredited plaque.

law in New York City in 1782 and became politically active. He advanced as swiftly in politics as he had in the army, and to even greater heights. After serving as New York's attorney general and in the U.S. Senate, he split the electoral count with Thomas Jefferson in the 1800 presidential election. The House of Representatives gave Jefferson the presidency and Burr the vice presidency.

After his term in office, Burr focused on protecting American interests in the Louisiana Territory. At least, that's what

he said he was doing. Others thought he had something else in mind.

Allegations against him were numerous and seemed fantastical. William Eaton, a former army officer and diplomat, said Burr proposed an "unauthorized military expedition; which, to me, was enveloped in mystery." The mystery involved taking the Louisiana Territory and forming an alliance with Great Britain, or perhaps establishing a new nation in Texas or Mexico. Eaton claimed that Burr planned to seize Washington, D.C., and to assassinate President Jefferson.³

Throughout 1805 and 1806, Burr corresponded with American, British, and Spanish contacts, trying to cobble together enough political and military clout to proceed. He moved in fits and starts, traveling from Pittsburg to New Orleans and back to Washington. He told others that he could assemble an army of 10,000 to 12,000 well-equipped soldiers, including U.S. army troops under the command of General Wilkinson. In fact, he never had more than a few hundred poorly equipped volunteers.

His base of operations was an island

in the Ohio River in western Virginia (now West Virginia) owned by Harman Blennerhassett. The island served as a gathering point for recruits and supplies while Burr traveled extensively to raise funds and to organize his far-flung enterprise. Blennerhassett, a wealthy immigrant from England, provided key financial support.

All of this did not go unnoticed. State and federal officials perceived a growing threat, of some kind, to American interests west of the Appalachian Mountains. They knew Burr was the ringleader. The U.S. Attorney in Kentucky brought treason charges against him, claiming he was "now engaged in preparing, and setting on foot...for a military expedition and enterprise within this district, for the purpose of descending the Ohio and Mississippi therewith, and making war upon the subjects of the King of Spain, who are at peace with the people of these United States."⁴

Burr was arrested in Lexington, Kentucky, on December 6, 1806, but a grand jury declined to indict him. Undeterred, he continued his work.

The vice president meant to get

Milton Elijah Warthen and family "at jail, Warthen" circa 1868.



THIS AND ALL FOLLOWING PHOTOS COURTESY GEORGIA ARCHIVES, VANISHING GEORGIA COLLECTION.

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The Greene County Gaol, circa 1941, was built in 1806 with granite walls two feet thick. It was replaced by a new facility in the 1890s.

about the first 400 miles through Creek Indian territory in what is now Alabama and Georgia. It was wilderness with few settlements and no newspapers to report their progress. This suited his guards, for they wished to minimize the risk of encountering anyone sympathetic to him.

What little is known about the route, supplemented by what is known about trails through the Creek Nation, suggests that the party crossed the Chattahoochee River at what would later become Columbus, Georgia, and moved east to the Creek Agency outpost on the Flint River. Some of Harman Blennerhassett's papers ended up with Benjamin Hawkins, the federal agent to the Creek Nation at the outpost, raising the possibility that Hawkins came in contact with Burr or some of his supporters.⁶

The party continued east to Fort Hawkins (future site of Macon) and then crossed the Oconee River at Fort Wilkinson, near the new capital city of Milledgeville.

things rolling in December 1806, but the governor of Ohio upset his timetable by sending the state militia to the Ohio River. They seized or destroyed many of Burr's transport boats and much of his gear and dispersed his recruits. Burr managed to gather about 70 men far downriver. He led them down the Mississippi, making for New Orleans. It was an inauspicious opening move.

Realizing that Burr's plan was unraveling, General Wilkinson changed sides. He forwarded to President Jefferson an incriminating letter he had received from Burr in October. Written in code and deciphered by Wilkinson, the letter disclosed key details about the vice president's activities, that he had "actually commenced the enterprise" and that the "protection of England is secured." Washington warned authorities in the western states to be alert and ordered Burr's arrest.⁵

Intricate conspiracies do not hold up under scrutiny, and Burr's quickly fell apart. Upon reaching Bayou LaPierre, about 30 miles above New Orleans, he learned that his grand scheme had been widely publicized in newspapers. America reacted scornfully, viewing him as foolish and erratic. Few new recruits joined him, and his scattered, indifferent support began melting away.

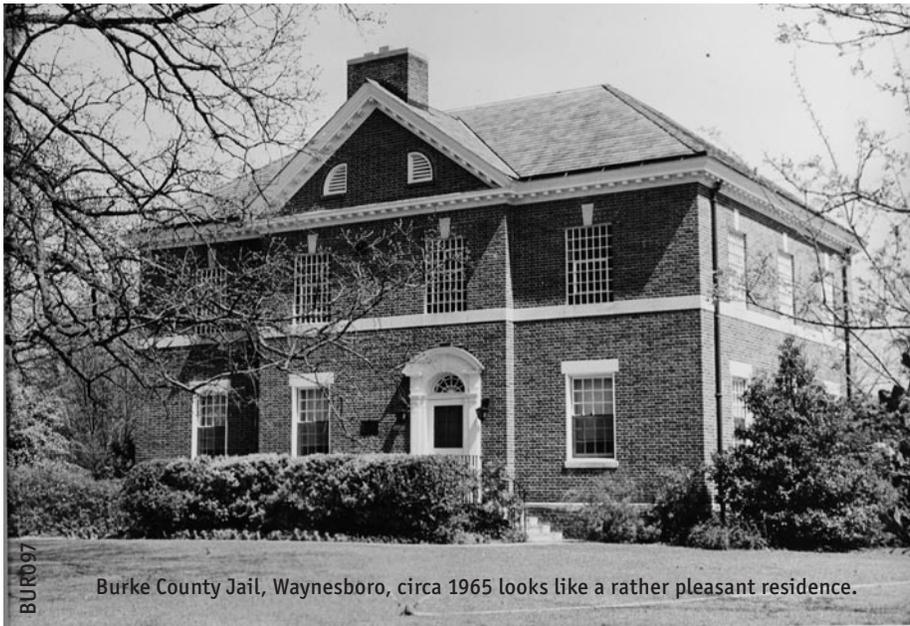
Disheartened, he soon disbanded his little army and fled into the Gulf Coast wilderness, a wanted man once again.

On the night of February 18, 1807,

federal troops found and arrested him in the Mississippi Territory, north of Mobile. An armed guard of about ten men, commanded by an army major, brought him to Richmond, Virginia, to stand trial for treason. The 900-mile trip took five weeks on horseback, averaging 25 to 30 miles a day. They reached Richmond on March 26.

There isn't an Aaron Burr Trail commemorating the captive vice president's ride across the Southeast. Little is known





BUR097
Burke County Jail, Waynesboro, circa 1965 looks like a rather pleasant residence.

A day or two later, they made their most celebrated stop in Georgia. Arriving in the Washington County hamlet of Warthen, the captors secured their famous prisoner in a log jail. They posted sentries and took lodging for the night in a nearby house. At least, that's what historic markers, newspapers, books, and other sources have claimed for a century.

Burr's confinement in Warthen is firmly, but wrongly, entrenched in local and state histories. The source is Ella Mitchell's 1924 *History of Washington County*. She wrote, "In 1804 [sic], the notorious Col. Aaron Burr spent one night in the jail. He was under a military guard of United States troops. They were en route from New Orleans to Richmond, Va., where Aaron Burr was to be tried for treason. Just before night-fall the party reached Warthen, the troopers placed their prisoner in jail, detailed sentries, then others spent the night in the home of Richard Warthen, Esq."

Beginning about 1930, newspapers around the state carried Mitchell's version or variations thereof. Twenty years later, the Daughters of the American Revolution placed a historic marker in front of the old jail to commemorate Burr's stay. A state historic marker erected in 1954 memorialized the "log jail in which Aaron Burr was confined one night." Even today, that's the way the story is told.

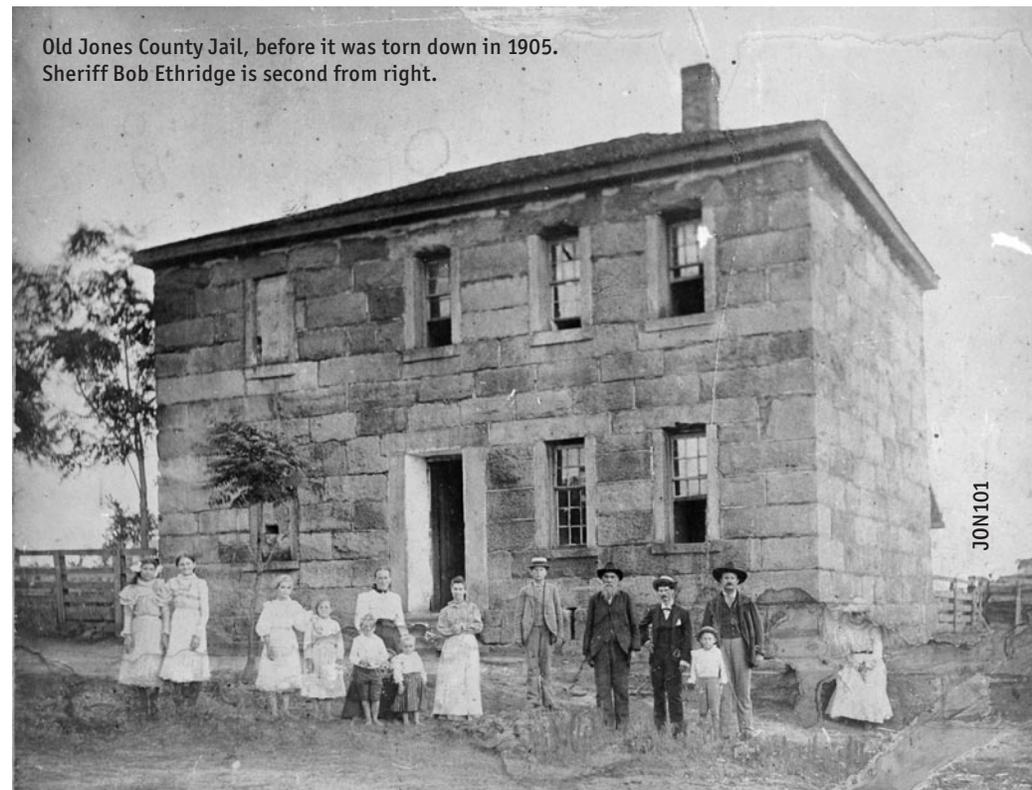
There is no doubt that Warthen's jail is old. It was old when it appeared in the background of a photo, on file at Georgia Archives, taken circa 1868 (see photo, pg. 7). Most sources date the structure to the late 1700s, when Warthen was the seat of Washington County. As the oldest existing jail in Georgia, it is a significant landmark. But Aaron Burr was never confined within.

Prior to Ella Mitchell's history, there are no known references to Burr passing

through Warthen. Every account places him elsewhere. In 1807, Georgia newspapers gave several important details about his journey through the state. A report from Sparta in the March 21, 1807, *Augusta Chronicle* said that "Aaron Burr passed through this county, about two miles distant from this place, on Monday last under a strong guard, on his way to Washington City." Three days later, he crossed the Savannah River at Scott's Ferry, about 25 miles upriver from Augusta.⁷

The Sparta correspondent gave more details about Burr. He was dressed in the same clothes he had been wearing when captured: "a pair of coarse cotton pantaloons, a round coat, shoes and stockings and an old hat." His guards avoided "any town or village" so that the vice president wouldn't have access to a court to seek a writ of habeas corpus. And some of the locals heaped abuse on the celebrity captive, so that "twice was Burr mortified by receiving the execrations of his host."⁸

In 1902 Macon Warthen wrote a detailed history of the town named for his family for a local newspaper. He did not mention Aaron Burr, a telling omission



Old Jones County Jail, before it was torn down in 1905. Sheriff Bob Ethridge is second from right.

JON101

given his lineage there going back to the late 1700s. He was uniquely positioned to know whether the vice president had passed through town and stayed at the jail, especially if, as Mitchell claimed, Burr's guards stayed in the home of Richard Warthen, Macon's father.⁹ He never said it happened. Any of it.

He did write a detailed account of Burr's journey from Fort Wilkinson to the Shoals of the Ogeechee for the *Atlanta Journal* in 1906. His grandfather, Elijah Warthen, was stationed at the fort when the Burr party came through. Elijah told of a festive dinner for the captive celebrity. The next night, the Burr party stayed with a family named Bivins (or Bevins). The following day they were in Hancock County: "The guard with their captive tarried the next night in a little log cabin near Sparta..." The fourth night, they camped "beneath the wide spearing beech trees" at the shoals of the Ogeechee.

Connecting the dots makes an east-west line passing about 15 miles north of Warthen. Burr never came through Warthen or spent a night in its jail.

How did Mitchell get it wrong? Writing her history of Washington County nearly 120 years after the events, she may have heard accounts like this: "My Great-Grandfather Elijah Warthen was present when Burr came through." She may have assumed that Elijah was in Warthen at the time, but he was at Fort Wilkinson, 30 miles west.

What about the place two miles from Sparta, where Burr did stay? Macon Warthen described it as a "little log cabin" where they "tarried one night." As of 1906, he said it was "still standing" and "often pointed out to strangers and visitors as a historical land mark."

If local lore is correct, it's still standing today, a part of the Britt-Roundtree-Hollis (aka Howell) House, on the Greensboro Highway, two miles north of Sparta.

Two weeks after Burr and his captors crossed the Savannah River, leaving Georgia behind, they arrived in Richmond. His treason trial began just four days later, with Chief Justice John

Marshall of the U.S. Supreme Court presiding. Marshall quickly concluded that there was insufficient evidence to proceed on the felony charge. A few months later, a jury acquitted Burr on the misdemeanor charge of violating the Neutrality Act by planning an attack against Spain, a friendly country.

Despite his acquittal, Burr was a ruined man. The duel with Hamilton and two-years spent on his western venture left him impoverished and scorned. He spent four years in exile in Europe. When he returned to New York City to practice law, he did so as Aaron Edwards, using his mother's maiden name. He died in New York in 1836. ▀

Endnotes

1. September 12, 1804, letter from Aaron Burr to Theodosia Alston: Davis, Matthew L., *Memoirs of Aaron Burr*, Vol. II, pg. 337-39; Harper & Brothers, New York, 1837.
2. Library of Congress: <https://blogs.loc.gov/law/2020/04/general-james-wilkinson-the-spanish-spy-who-commanded-the-u-s-army-during-four-presidential-administrations/#:~:text=President%20Theodore%20Roosevelt%20later%20described,Spanish%20pensioner%E2%80%9D%20through-out%20his%20life>.
3. *Columbian Centinel*, February 21, 1807



LaGrange, circa 1925. A guard at the Troup County Jail, Hines Street.

4. *Columbian Centinel*, December 13, 1806.
5. Linder, Douglas O., "Famous Trials," University of Missouri, Kansas City: <https://www.famous-trials.com/burr/162-letter>; accessed online March 21, 2022.
6. *The Republican and Savannah Evening Ledger*, November 3, 1807
7. *Augusta Chronicle*, March 14, 1807; March 21, 1807.
8. *Columbian Centinel*, March 21, 1807
9. *Sandersville Herald*, September 11, 1902



Murray County Jail, Spring Place 1908 (L-R: Will Evans, Estelle Wilbanks, Ben Wilbanks, Burl Wilbanks, Mrs. B.H. Wilbanks standing in doorway).