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Hon. Genl R Caldwell -

Dear Sir;

Your fa-

vor of the 16th inst. is received - On sev-
eral respects you do me very great in-
justice. If I had not very much more re-
gard for your integrity of character and
purity of conduct and motive than you are
pleased to express as to me I should answer
it in the same spirit. I am fully satisfied
however that upon a careful review of the
circumstances you will see that both your
caveat and your accusations are unjusti-
fiable or very nearly so -

As you say several letters were written
you by me, in behalf of the men you refer to.
It is also true that I received no answer
to any of them - Some two months after the
last was written Mr. Neathery writes me a
letter not as private secretary, but individ-
ually and in a friendly and familiar vein
informing me that you declined to consider
my application in their behalf or take any
action in regard to them - In reply to this
I wrote to Mr. Neathery a letter, private in
its character, and containing I believe,
among other things a statement that I
intended to give your Excellency a "cussing"
when I should come down after Rockingham
Court - I think there were other things in it
which showed it to be not half serious
and besides that addressed to Mr.
Neathery ~~in a private and friendly~~^{and of a private and friendly}
character. Neither in address or dictum
was it at all public or official
in its character -

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Upon the very day on which this letter ~~could~~ ^{should} have been received by Mr. Neathery, your letter of the 16th is written — the first it should be remembered that I have ever received from you upon the subject. This letter unmistakably refers to and quotes from my letter to Mr. Neathery — and ascribes to me the most unworthy motives and most despicable ~~acts~~ ~~in other words~~

In other words you neglect the courtesy of a reply to my repeated letters, refuse to consider an application which I had pressed with earnestness and respect and then accuse me of the most contemptible hypocrisy and of deception for which there could be no possible motive ~~for which~~ because you happen to learn that I express a half-peculiar half-serious sensation in a letter to a third person —

Now, sir, in the face of your very unjust and baseless reflections upon me, I am willing to say that I have never thought of ascribing unworthy motives to your Excellency ~~with~~ in any seriousness — I have not always approved your official acts ^{but} and have very ~~readily~~ ~~disapproved~~ ~~the~~ ~~same~~ ~~well~~ expressed disapprobation of any. I have not unfrequently regretted what I deemed an unreasoning stubbornness, which condemned without hear-

ing or refused without examination — as in the present case. — If I had entertained so poor an opinion as to your integrity and honor as your Excellency is pleased to express of me I should never have made an application to you in behalf of any one —

Even had you seen fit to inform me of the determination which you had formed — which you never did — I could not before your late epistle, have brought myself to believe that you could have been so blinded by any prejudice against a class as to refuse to consider the circumstances of a case, or decline to consider, or even reply to, an application evidently made in good faith and with considerable earnestness — by one in my position —

You are entirely mistaken in ascribing to me the character of one who is disaffected towards your administration — "disgruntled" is the word you use — I have been in the main entirely satisfied with it and have always so proclaimed myself — I was annoyed that you should shut up your mind to all knowledge of the facts both in the case of these men and of the manner —

derers of Outlaw. There had been
~~proclaimed~~ outlawed by a public
 proclamation which recited that
 they were hiding from arrest and
 since that time they have been quietly
 residing at home, riding the streets
 and going to church in open day - I
 thought and think now, that if there ever
 was a good place for a reward to
 be offered for the apprehension of crim-
 inals, it is just about there - I am
 satisfied that your own sense of jus-
 tice and propriety would lead you
 to the same conclusion, if you would
 allow yourself to know and consider
 the facts - The same is true in regard to
 the application for the pardon of these
 men -

Even with regard to them I have
 scarcely uttered ^{a word} ~~any opinion~~ except the
 statement contained in the letter to
 Meathen - If I had been "disgruntled"
 or wished to find fault or occasion
 trouble, I should not have written
 even a private letter to your Secretary
 and told him in conclusion that I
 was coming down to give you a "cussing"
 I could easily find better channels for com-
 plaint and greater means of annoyance
 than this, had I desired any - So far
 as your anger is concerned its cause is
 more fancied than real -

You intimate that I want these men released because they are republicans and men of color. I had no idea you could think so meanly of me as to utter such an insinuation. I know no more of their politics than you seem to of the facts attending their commitment - I did want you should have the credit of their release as an act of nearly unsought mercy instead of its being thought to have been begged out of you by your opponents, and so expressed myself - As to their color, I have never advocated that as a boundary line of privilege and if I had, I could not have been interested in placing the privilege upon that line - I have always considered myself as white as your excellency, from any stand point, whatever may have been your opinion -

You state that you have "good Republican authority" that the men for whom I applied ~~plead~~ were weighed into the submission under the promise that if they would ~~also~~ plead guilty, it would be much better for them and that judgment would be suspended upon payment of costs - and that this arrangement ~~would~~ ^{was} made with the knowledge and consent

of the Presiding Judge"— As if to
forestall any denial on my part
and to make the reflection as grave
as possible, you add that this
statement "is credited by you."

Of course, it is useless to make
any explanation to one whose mind is
already made up on an ex parte
statement— and especially to you— nor
can I with any self respect make any
statement to one who can think so mean-
ly of me without inquiring as to the facts.
If you believe me guilty of conduct even
approximating what your words import
it is certainly your bounden duty
to report me to the Legislature for im-
peachment and removal— I have the
honor to inform you however that you
cannot find an attorney upon the Cir-
cuit who would dare approach me
— except in open court— upon such a
proposition— nor can you find an instance
in which I have consented to anything
before plea pleaded—

The information on which you choose
to believe me an execrable scoundrel
is a baseless, unfounded lie. Your in-
formant whether Republican or Democrat
black or white, high or low, Aunt or
uncle, is either a malicious liar
or one who speaks without knowl-

edge of the truth or falsity of his words - The defendant's counsel when he entered the plea of Guilty did not claim any such knowledge or consent express or implied on my part, but claimed that the Solicitor had made such agreement with him, which that officer expressly denied - I told the counsel that "even granting this to be true, it was no ground for withdrawal of the plea, as he well knew that the Solicitor did not peddle out the judgments of the Court; it having been repeatedly announced that I would carry out no agreement of his except my own reason was convinced of its propriety" -

Another reason why I did not allow the plea to be withdrawn was that upon preliminary examination - after being duly cautioned they had confessed the crime, such as it was before me, and I knew that it was merely trifling with the time of a busy term to allow it -

I have addressed Mr Bullen and Mr Scott who defended to procure their statements upon the matter which I shall enclose to you.

I make this record, and shall send

You these statements not with any
 attention or expectation of affecting
 your previously expressed opinion
 but simply because I have no right
 - in justice to myself - to allow such
 a despicable accusation to go un-
 traversed, even when made as
 I cannot but deem this to have
 been for the purpose of deliberate
~~insult~~ provocation - ~~Of course~~

Of course, it would be simply farcical
 for me to make a statement in
 regard to any matter designed to
 affect the opinion of one who
 believes me guilty of such perfidi-
 ous meanness, in regard to any mat-
 ter - I shall therefore trouble your Excellency
 with no more statements in regard to the
 pardon of this man or upon any other
 matter -

With sincere regret I remain
 Your Excellency's Obedient
 A. W. Torrey

22d Draft B

Letter

John R. Caldwell

Letter To

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY 2013