

THE MINERVA.

PUBLISHED (WEEKLY) BY WILLIAM BOYLAN.

TWO DOLLS. PER ANN.
Payable in Advance.

Vol. 12.]

RALEIGH, (N. C.) THURSDAY, OCTOBER, 29, 1807.

[No. 604.]

TRIAL OF Col. Aaron Burr, (CONTINUED.)

TUESDAY, Oct. 6th, 1807.

In order to introduce the evidence of Major Bruff, & the testimony of Gen. Wilkinson, which have excited much curiosity, we have postponed the publication of the trial in the order in which it was delivered in court, and resume and continue it in a regular connected manner, in the following manner, to wit: The testimony of Major Bruff, which has been published, contains several errors, which we have corrected, as far as we could, by a glance, but it is not perfectly correct, and we have endeavored to give it to the public, with the least possible alteration, in the complex copy.]

Evidence of Major James Bruff.

Mr. Martin. Had you any communications with Gen. Wilkinson about the time of his return to St. Louis? [Mr. Hay requested that the object for which the witness was introduced, should be stated. Mr. Martin said, it was to prove the same as Timothy Kibby; that Gen. Wilkinson held out the same inducements to him to join in an expedition against the Spaniards. Mr. Hay objected to the introduction of the testimony, on principle. He said that no man could be presumed to come prepared to explain every particular act of his life. That the general reputation of a witness could alone be enquired into, in order to assail his character. This he held to be a sacred rule of law & of justice. Mr. Martin contended, that the evidence was pertinent. Gen. Wilkinson had declared that he had no knowledge of Col. Burr's views till he received the cyphered letter. We will prove that he had. He did not mean to say that the views of Col. Burr were criminal, on the contrary, they were innocent; nor would Gen. Wilkinson have been guilty if he had joined in them. But now Gen. W. in order to obtain favor with the government had turned traitor to Col. Burr. Mr. Wickham argued that the testimony of Major Bruff was admissible to shew an inconsistency in that of Gen. Wilkinson.

Gen. Wilkinson. May I be permitted to make one observation. I am not in the least degree surprized at the language which has upon this and several other occasions been used by the counsel of Col. Burr; men who are hired to misrepresent, [Mr. Wickham. I will not submit to such language from any man in court. The Chief Justice declared the style of Gen. Wilkinson to be improper, and that he had heard too much of such language in court. Gen. Wilkinson apologized. He said that it was impossible he could offer any intentional disrespect to the court, but he could not remain silent when he heard himself called a traitor.] Gen. Wilkinson proceeded. I am astonished at the explanation of the object for which this witness is called. Had I known the purpose for which he was summoned I should have been able to produce documents to shew the long, the implacable hatred which he has borne towards me. [Mr. Wickham said that Major Bruff was under the protection of the court.] Gen. Wilkinson. I pray that his testimony may be introduced. Mr. Hay objected, that he had no doubt of the law, as to the right to impeach the credibility of a witness, by shewing an inconsistency in his testimony. He admitted that if Major Bruff's evidence were introduced for that purpose it was proper; but if for any other purpose, it was improper. They had no right to interrogate him for the purpose avowed by Mr. Martin; to shew that General Wilkinson entertained the same views as Col. Burr. However as Gen. Wilkinson was content that Major Bruff should proceed, he would not object.

The Chief Justice declared that he would not hear the witness as to any particular allegations against Gen. Wilkinson; but with respect to any inconsistency in his testimony he must hear him.

Major Bruff proceeded:

My testimony will arise from a number of conversations with Gen. Wilkinson.

In four of these conversations Gen. Wilkinson took me aside; in three of which he locked me up in his room. The first hint I had of a connexion be-

tween General Wilkinson and Col. Burr was drawn from two paragraphs in Kentucky newspapers, in the spring 1805, before Gen. Wilkinson reached St. Louis; the first alluded to the old plan to form a separate government west of the Allegany, and ascribed it to General Wilkinson and his associates, and doubting whether that scheme had yet been abandoned. The next was an extract of a letter from Fort Mifflin, published in the papers, which stated that Col. Burr had been several days there with Gen. Wilkinson, probably giving the General lessons on government, or digesting a new code or constitution for the government of Louisiana.—These hints, with information received from Capt. Stoddart immediately from Fort Mifflin, and who assured me that Col. Burr had been there several days closely engaged with Gen. Wilkinson, and that he had or was about to furnish him with a barge and crew in which he was to descend the Mississippi to New Orleans. [Mr. Wirt. You have not said when. A. In June, 1805.] These circumstances put me on my guard, and determined me to watch the motions of General Wilkinson and Burr.

As the General approached St. Louis, ascending the Mississippi from Fort Mifflin, he dispatched a light barge ahead with directions for me to meet him six or eight miles below, as he had something to communicate to me. I obeyed. We met, landed and attended the bank. The General took me into the woods. As we walked on the General observed, that he had been informed the territory was divided by parties, I mean upper Louisiana which he attributed to the Americans, and said he would crush party, or perish in the attempt. I observed, that there had been some party business about the time the French convention and the memorials of Congress, but none since; except the aversion which the French appeared to have to the expense, delay, and uncertainty of our laws, and the introduction of lawyers. He then asked me how I stood with the French inhabitants, for he had heard there was some misunderstanding or coolness between us occasioned by my observations about antedated concessions and fraudulent grants.—I observed, that some uneasiness had been excited by a report which I had made to the secretary at war, respecting private surveys which took in public property, but I believed they were then satisfied I had merely done my duty. He observed that he had witnessed their many attempts in the lower country to defraud the public; (the Orleans or Mississippi territories I do not know which,) that he knew them and mankind generally, and if I would place my dependence upon him he would manage them for me; [Mr. Hay. He would manage them for you? A. Yes.—It alluded to a difference between me & the French.] About this time some Frenchmen from St. Louis had found us out, and were rushing through the bushes on us. He damned them for their intrusion; [Mr. Hay. To their faces? A. No, to me, I said he had something of importance to communicate, and hoped to have had an opportunity there; but that he would take the first opportunity after he had got settled of making an important communication.

A day or two after his arrival at St. Louis, his orderly came to me. I attended. I was taken into his parlour and he locked the door. [Mr. M'Rae. What time? A. About the last of June, or 1st or 2d day of July. Mr. M'Rae. Can you name the day? A. I cannot.] Gen. Wilkinson. Can you come within five days? A. No, I cannot. We commenced walking. The General appeared to be murdering, and after two or three times he asked me what sort of government would suit Louisiana.—Without hesitation, I replied, a representative republic would meet both the wishes and expectations of the people. He answered that he was surprized to hear me say so; for the French could not understand its principles or be brought to attend elections; that the American inhabitants were a turbulent set, the mere emptyings of jails or fugi-

tives from justice, and did not deserve a free government; that a military government was best for these people, and no other was contemplated for them; [Here Mr. Hay, observed that Major Bruff retired to a table on which several papers were laid, asked him when he had made the statement of his testimony which he was then giving. On being answered that it was recently done and since his arrival here; Mr. Hay requested that he would not again look at it. Major Bruff said that his statement was drawn from a number of letters which he had written to his friends about the time of the transactions alluded to; and from an intended publication against the General that the politics of the United States had undergone a great change; that the honest and wife had united to save the federal constitution, and prevent a division of property which the democrats aimed at; that the democratic party in Congress had split and dwindled; and that John Randolph, Nicholson & Leib had lost their influence both in Congress and with the executive. I observed that he attributed principles and motives to the republicans which they abhorred. [Mr. Hay. To which party do you belong? A. To the democratic. Mr. Martin. Were you not then a democrat, and did not General Wilkinson know you to be one of that party? A. Yes.] On this subject we had a good deal of conversation. I remarked on the folly to suppose John Randolph would consent to throw his property into the public stock, in order to have a scramble for part of it. However, the General observed, that the object of the democrats was to produce a state of anarchy and confusion; to seize on the property of the federalists and divide it among themselves; and this too he told me with a very serious face. I will make one observation here: it is that these conversations which I had with the General, were at different times, and it is possible that I may not have classed them precisely in point of time; but I am certain that they did happen and nearly as I have stated; and if the General will be candid he will acknowledge it. [Gen. Wilkinson. Indeed I will not. He said that Pennsylvania was convulsed by the democrats; yet they would not succeed in turning out McKean or introducing their arbitration system. I think that this ended the conversation. We got warm; the General threw open the door, and I walked out.

After dinner his orderly came for me again. I attended; was taken into his room and the door fastened. He assumed a milder manner. And assured me that the politics not only of the United States but of the executive had changed; that the difference between the present and former administration was merely in name; that parties were kept alive by the cunning in order to help them to office or to keep them in; that the people mistook the character of Mr. Jefferson; that a want of energy was no part of it, but rather obstinacy. Here he observed that the French had not been enough attended to in the territorial appointments; that they were the natives, and the Americans were ungrateful intruders and now railed against a King and government which had raised them from ashes.—Mr. Wirt. To whom did he allude? A. I considered that he pointed his remarks to Mr. Austin particularly. It was the Spanish King and government to which I alluded. He then observed that Governor Claiborne, a miserable thing or tool, had distributed the appointments in the lower country among his American followers and dependents, and had neglected the French, for which he was execrated, despised and forsaken by every person of talents and honor, except by a Dr. Watkins, who no doubt had some personal views. I observed that in the lower country the great body of the people were French; but that in the upper country there were more than two Americans for one Frenchman, and that the disproportion increased daily by emigration, and would soon entitle us to elections. Here replied, God forbid that you should ever see an

election of Louisiana; and then observed that it was the intention of the government to depopulate that country, except the villages of St. Louis, St. Genevieve and St. Charles, and a small district of country around each, merely sufficient to support them; that land would be offered to the inhabitants on the East side of the Mississippi, which if they refused to move to, they would be pushed over at the point of the bayonet, and that I should be employed in that business. As I found that my replies only irritated the General, and kept back the important communications, I therefore determined when I could not acquiesce in sentiment with the General, I would endeavour to be silent till I got the important secret. But I found, I had already gone too far. The General appeared to be vexed and disappointed; threw open the door & I walked out.

The next morning his orderly came for me again. I attended; and we had another parlour conversation with closed doors. He assumed a friendly manner, and begged me to recollect that it was sometime since I had left the Atlantic States; and assured me that public opinion had undergone a great change in favour of energetic governments and measures; that ill persisted in exploded notions, they would injure me with my government; that democratic notions produced licentiousness; and the very existence of an army and democracy were incompatible; that republics were ungrateful; jealous of armies and military merit; and made no provision for the superannuated and worn out officers, but who were left to starve. In these latter opinions I agreed with him. The General seemed pleased that I should assent to any of his opinions. He was now silent.—While we walked the floor one or two turns, with his eyes down on the floor and seemed to be musing, he then observed that he was fertile in schemes, had made ten ones for many who did not then thank him for it. I smiled. He said, perhaps you think I had better have made my own fortune—true. But I have now a grand scheme in contemplation, that will not only make my fortune, but the fortunes of all concerned; he waited as if waiting for my answer; I was silent—had nothing to say; but wanted him to explain and go into the detail; after walking the floor several times, during which he appeared much agitated and vexed he threw open the door and I walked out, with only this glimpse of the secret which he had so long been preparing me for.

As I attended daily for orders until the arrival of Col. Cushing; the next morning I found the General rather distant and reserved. He observed that he had yet enemies in the army; and among them some from his own State; that he either hated or loved Marylanders more than others; presuming this intended for me, I replied, I suppose you take me for a Marylander; why, are you not? I answered no. I was born in Jersey, but had the good luck to be brought young to Maryland of which State my father, grandfather and great grandfather, were natives born in Jersey! replied the General a second cousin to a yankee, a damned cunning fellow I suspect.—This was the first rude thing he had said to me; for before this, I was treated with respect and had received many friendly letters from him; I therefore attributed this to my declining to join him in his scheme to make fortunes; some time after the troops moved to Cold Water an officer informed me, that they were encamped on a low damp bottom, subject to be overflowed. [Mr. Hay objected to the course of the testimony pursued by the witness; Col. Burr said that he did not know the whole extent of this testimony, but that he had been introduced to shew palpable contradictions in the evidence of Gen. Wilkinson.] The Mississippi on the one side and a marsh or bog on the other, and the whole Cantonment commanded by a high second Bank or hill in its rear; I observed the situation was not only unwholesome, but would probably become the grave of the troops if they were not removed.