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## TRIAL OF Col. Aaron Burr, (CONTINUED.)

Tuesday, October 6th, 1807.

Major Bruff's testimony concluded.

After this I had a conversation with the Secretary at War and the Attorney General together. I think that Capt. Clark, the companion of Louis was also present. The Secretary at War shut the doors. We had some previous conversation, as after the Attorney General came in, the Secretary at War introduced it again, by observing, that he had been informed Col. Burr had accompanied Gen. Wilkinson to the Western Country, spent several days with him at Massac, and then furnished the Col. with a Barge and men to descend the Mississippi to New Orleans; I replied that this was one among many reasons to suspect a good understanding, connection and co-operation between the general and colonel.—That I imagined both of them were well informed of the old plan attributed to the general and his associates, to form a separate government West of the Alleghany, under the auspices of Spain or England; of his famous memorial, which it is said procured him exclusive privileges from the Spanish government, and the extraordinary visit col. Connelly from Canada paid him in Kentucky; but that there were recent events which were not without suspicion.—Such as his having spent the last winter of col. Burr's vice-presidency at Washington; their great intimacy, the interest made to get gen. Wilkinson appointed and confirmed governor of upper Louisiana, with Burr's brother-in-law, Secretary to the Territory, and many of his friends, to places of trust and influence. Gen. Wilkinson's drawing several hundred troops into a cantonment near the mouth of the Missouri; his connections with col. Burr, gen. Adair, John Brown of Kentucky, John Smith of Ohio, and several others, since implicated or suspected of being concerned with col. Burr, to procure a charter for cutting a Canal on the Indiana side of Ohio, on which charter a bank was ingrafted, and would have produced those funds, the want of which seems first to have made the general to hesitate—aluding to a paragraph in the cyphered letter. I then stated col. Burr's visit to New Orleans in a barge furnished by General Wilkinson; and that after visiting the lower country he came to St. Louis. I then stated the conversation with Judge Easton, as before mentioned, and the intimacy of those three persons, and that when col. Burr was about leaving St. Louis, the general had a barge got ready with much parade to put him over the Mississippi; that some time after col. Burr's return to the Atlantic States, Miranda's expedition got ready and sailed, which a gentleman promised, if called on to come forward and prove general Wilkinson to be the projector of; (that gentleman is Judge Easton.) I then observed that it was not easy to suppose, that Col. Burr, who knew Wilkinson's character, his former attempts and desperate fortune, should spend so much time with him at Washington, where the scheme seems to have been first projected; pass through the country where col. Burr must commence his enterprise, where Wilkinson was well acquainted, and where Burr wanted agents (aluding to the Ohio,) and partisans; yet never found him to make proposals, but wait till all was ready, and then make his first overtures by a letter; and before he knew the success of that letter in converting a patriot general into a traitor, should throw himself and his best friends, his choice shirts, into the power of a general he had so much insulted; that the general's measures in upper Louisiana certainly had a tendency to disgust the people with the change of government, and to prepare them for a revolt; that I did not know the general's attempts upon the officers, but he certainly had tried me; but if on the contrary col. Burr did communicate his plans to the general either at Washington, at Massac, or St. Louis, and the gen. did not immediately inform his government, he has not only grossly imposed on them, and the public at large; but has been guilty of misprision of treason and perjury: The Attorney General, after I had gone through my statement and information, in substance, and order nearly as related, asked me what would be the result if all this should be proven; why just what the Federalists and the enemies of the present administration wish—it would turn the indignation of the people from Burr on Wilkinson; Burr would escape and Wilkinson take his place. I observed that it possibly might be the event, but justice and honor required that the whole truth should be known let it operate as it might.

I then left the Attorney General and Secretary at War together, and stepping down to the post-office, found letters from St. Louis, detailing the operations of Col. Burr; and of a party from St. Louis and St. Geneva, the common friends of Gen. Wilkinson and Col.

Burr, who attempted to join him with twelve thousand weight of lead. [Mr. Wirt. Who was the letter from? A. Samuel Hammond.] That letter offered proof that the party sent by Gen. Wilkinson to Santa Fee, was connected with, and a part of Col. Burr's plans. As that letter related to the subject which we had been talking on, I sent it to the Secretary at War, and the Attorney General; and another letter which came on with it to the same point from Judge Easton. They wrote that Major Wascot and Doctor Stell had left St. Louis and were joined by a Mr. Smith, Dodge, &c. from St. Geneva, who attempted to join Col. Burr near the mouth of the Ohio. The Secretary at War returned the letters and thanked me; but I have been surprised after offering proof, and naming gentlemen who knew that a connexion existed between Gen. Wilkinson and Col. Burr, that none of them were summoned to the Grand Jury. Major Bruff was here asked who those gentlemen were, and he mentioned Gen. Adair, Judge Easton, and Major Kibby, who would prove the object of the expedition to Santa Fee, also Mr. Provenchere. He then stated that he had seen a letter from Gen. Wilkinson to Gen. Adair in which, Gen. Wilkinson urged him to come on, said that he could not go without him, and then asked if he was ashamed to serve under a Spanish conspirator. [General Wilkinson. When was that letter dated? A. I do not recollect when. Gen. Adair read it to me, he offered me a copy, which made me the less particular about its date. Q. Where was the letter recieved? was it at Washington in March last? A. It was the letter which induced Gen. Adair to go to Orleans, as he said.] Gen. Wilkinson pressed him to come on; said that thirty thousand troops would be sufficient to effect their purpose; as they would have little more to do than to take possession of the country; that they were to divide them into three columns, and Gen. Adair was to have the command of one of them. [Mr. McRae. What country were they to take possession of? A. I cannot say; but my impression was the Spanish country.] The general then chided him for the caution he used in writing; asked him if he was afraid to trust his friend or ashamed to serve under a Spanish Conspirator.—At the bottom of the letter were these words: "We shall certainly have a Spanish war." [Chief Justice. Do you know the hand writing of Gen. Wilkinson? A. I do very well. Isat by Gen. Adair when he read the letter: & it appeared to be the hand writing of Gen. Wilkinson; but I did not take it up to compare it. Mr. Martin. Do you remember the date? A. I cannot tell the date or the place from which it was written. Mr. Hay. Did it appear as if it was of ancient date or modern? A. Recent.—Gen. Adair complained bitterly, he said that this letter had induced him to go to New Orleans, where he was seized by gen. Wilkinson. Mr. Wirt. Will you name all the witnesses, who could give evidence of the connection between Colonel Burr and Gen. Wilkinson? A. Judge Easton, to prove that Gen. Wilkinson was the projector of Miranda's expedition, and to prove his connexion with Col. Burr; Major Timothy Kibby by the person whose deposition has been circulated, and Pierre Provenchere who could prove the connection between gen. Wilkinson and col. Burr, and who was the common friend of both; Col. Samuel Hammond with gen. Wilkinson had a conversation nearly similar with the one held with me, and Samuel Hammond, jun. I believe I did not mention Col. Dupiester, to prove the designs of the party, as to the establishment of a Western Empire. I think Col. Dupiester was mentioned as the friend of Col. Burr, and as I am informed, came to St. Louis, as his agent, and brought with him commissions and proclamations. Mr. McRae. Did you see him at St. Louis? A. Yes. A colonel's commission it is said was offered to Col. Chotau, who attempted to throw it into the fire. Mr. Hay. From whom did the proclamations and commissions come? A. They were said to be from col. Burr. Mr. Hay.—Who was to have commanded the horse? A. A Mr. Delony, who had been an officer of the horse in the French service; it was said, was offered a distinguished command in col. Burr's army. A col. Dupiester, it was said, brought on letters, one to Provenchere and another to Timothy Kibby, the common friend of col. Burr and gen. Wilkinson. Chief Justice. Did you see these letters? A. We had a little democratic club intended to counteract those gentlemen. A Mr. Wherry to whom Provenchere shewed the letter, took a copy of it, and brought it down to us. Mr. Wirt. What was in the letter? A. Something to this purport: "He was ready; hoped they were ready; and that the Expedition would begin to move about the 15th of November." Mr. Martin. How long have you been in the American service? A. I bore arms in 1775 against the Tories, had a 2d Lieutenant's place in 1776, and continued in service throughout the war. Q. Have you

been in the service ever since? A. I entered the service again in 1794, under an expectation of bearing arms against the British; for I had been taken a prisoner during the war, and had not been well treated by them. Q. What was your grade when you left the army? A. Major of Artillery. Mr. Wickham. Did you see such a deposition as that of Timothy Kibby in the hands of the Attorney General, or Secretary at War? A. No. I gave them the letter already spoken of; I expected that all the gentlemen whose names I have mentioned would have been summoned. It has been said that I came on here as a volunteer. I certainly should have come on in any event; but I was surprised that those gentlemen should not have been summoned, and that the enquiry should be on one side only. Mr. Wirt. Is the Samuel Hammond you have mentioned the same person who had a commission in the time of Genet? A. The very same. Mr. Hay. I think you said it was in June 1805 that gen. Wilkinson disclosed to you this important secret. A. Not in June; sometime in the summer. I think in July. Q. What was the impression on your mind at the time: did you suppose it was some project hostile to the United States? A. I did suppose that he had some grand project in view. I expected that he would have made the disclosure without my saying I wished him to make my fortune. I did not intend to come under any obligation or to commit myself. Q. When was the first time that you made any communications to the government or any of its officers, with respect to these projects? A. I have a letter here dated January 8, 1806, in which I say: "I have no confidence in the patriotism of General Wilkinson, and as a man I think of him with horror." Mr. Wirt. To whom is that letter addressed? A. To the Secretary at War. Gen. Wilkinson. Were you under arrest at that time? A. No. I was not.—[Looking at his papers.] It does not appear from this letter that I was under arrest at that time. Mr. Hay. I want to know the fact, whether you were under arrest or not. A. I was not. Q. What was the interval between your arrest and the trial by the Court Martial? A. I believe 8 or 10 days, but I am not certain. Mr. McRae. Had you not been in expectation of an arrest? A. I had expected it for some time. In a conversation with the General, about my saying that he would not be in service six months, he got very warm, and said, "this is sedition." I replied then arrest me. Mr. Hay. At what time did this conversation take place about Cold Water, when you stated in your evidence, your ruin was decided on? A. I think in September 1805. Then commenced a system of persecution, which terminated in my arrest. I was charged among other things with contempt to the general; that I never denied. I was found not guilty of all the other charges, except that one. Major Bruff then said that the sentence of the Court Martial had been disannulled by the President of the United States, and his pay and emoluments, which had been suspended, by the sentence, restored. [Gen. Wilkinson.—I understood that was by stipulation: what is the date of the President's reversal? A. I believe it was on the 12th of March last, and my pay and emoluments being restored, is equivalent to a reversal.] Major Bruff proceeded. The Secretary at War observed that the President was disposed to do me justice; but it was a delicate point, and there was no precedent where a sentence had been confirmed by the Commander in Chief, and afterwards reversed by the President. I answered that I thought it was not very delicate in Gen. Wilkinson to approve a sentence when it was a mere personal thing between us. I understood that it was about the 15th of November when the expedition was to have commenced, and the Mexican Standard, (an emblem of the Sun,) to have been raised. This delayed my departure from St. Louis. I expected to have seen Knights of the Sun, and Lords of Mexico, among the Chiefs of those chosen Spirits. Mr. Martin. Whose property is the place called Cold Water? A. I understand the greater part belongs to Gen. Wilkinson. About four acres of which is deeded to the United States for a factory. He wrote on for me to purchase such a place. It was about this place, that Gen. Wilkinson made the rude attack upon me which I have before mentioned; but I believe the true source was, that I had said to an officer in the confidence of Gen. Wilkinson, that he would not be in office six months. I knew that Congress was about to meet, and that it was contrary to the genius of our government that he should hold the two offices of General and Governor of Louisiana. Gen. Wilkinson. When did you receive the first intimation of my intention to retire from service? A. This is intimated in a letter from the General dated April 5, 1805. [Here Major Bruff read a letter from Gen. Wilkinson to him.—Did I not reiterate this intention after I came to St. Louis? A. I believe you did. General Wilkinson. Do you recollect at what period after I got to St. Louis,

whether late or early? A. I cannot recollect. You often mentioned the subject.

Gen. W. Were you subpoenaed to attend this place? A. I was. I saw a subpoena in the hands of a gentleman for me; and Mr. Martin had told me in Baltimore that there was one ordered, and therefore I considered myself as subpoenaed from Queen Anne's county, in Maryland. Gen. W. Then you had a conference with Mr. Martin? A. I had. Gen. W. Do you recollect to have said that you were reluctant to come, but Mr. Martin had promised to lash me into tortures? A. I have said that from a conversation with Mr. Martin, I had reason to believe that your letter to Colonel Burr "post marked 13th of May," would be produced; but that I should have come in any event. [Here a certificate of Col. Meigs was read; which is immaterial.] The first intimation I had of this letter, was from a letter written by a gentleman of the grand jury to a friend of mine, stricturing the testimony of Gen. Wilkinson given before that body. That part of the letter was confidentially read to me.

[Major Bruff was about to state a conversation with Mr. Martin, when he was interrupted by Col. Burr, who said that he could not consent to a narration of the conversations which might have been held with his counsel.] Gen. Wilkinson. Did you not say that you believed Burr was guilty; but that I had done you a serious injury, and you thought this a good time to seek redress? A. I have said that I believed Col. Burr concerned in that expedition with you. I have said so, and I think so still. Mr. McRae. Will you state the character of Judge Easton? A. I have accused him of an endeavor to swindle me out of half the land we purchased in common on which an arbitration is now depending. Gen. Wilkinson. Had you no land speculations with Easton? A. No. I had no speculations; but we made a purchase of a single tract of land together. Perhaps you call that land speculations. Gen. W. You said that when Col. Burr arrived at St. Louis, Easton and myself were intimate? Major Bruff. I thought so. Gen. Wilkinson. Did you not know that about that time I did not suffer him to come into my house? A. I heard him say after Col. Burr had left St. Louis some little time, that you were persecuting him.

Commodore Shaw was called by the prosecution.

Mr. Hay. Did you travel in the stage with Major Bruff as he was coming to this place? A. I did. Mr. Hay. Will you state the conversation which passed in the stage? Commodore Shaw. The conversation was lengthy and not particularly addressed to me. I understood as Major Bruff stated, that a conspiracy had been organized in the Western country, at the head of which was Burr, and that Gen. Wilkinson and several others were implicated; that he had kept a watchful eye on them; had been on the alert; and that he had a just right to know that such a conspiracy existed. He said that Gen. Wilkinson had done him a serious injury, and that he had come on from some information that Mr. Martin had given him, to tell a long story. Q. What was the drift of the conversation; that he intended to injure Gen. Wilkinson? A. The impression on my mind was, that General Wilkinson had done him a serious injury, and he was coming to retaliate; but that I cannot recollect the very words. [The Chief Justice declared that impressions were not evidence. Witnesses must always depose to facts.]

Mr. McRae to Major Bruff. I understood you to say that you were summoned from Queen Anne's county in Maryland: did you ever see the subpoena there? A. No. Q. What induced you to think then that you were summoned there? A. I own property in Queen Anne's county, where I had been making arrangements for my return from the western country. I went to Baltimore to transact some business, where I met with Mr. Martin. He told me that if I had not come to Baltimore he should have gone to see me.—I asked him if the letter "post-marked 13th of May," would be produced. He said he believed it would, and informed me that I might "consider myself summoned; for that he "should order a subpoena for me."

Captain Daniel Bissell called by the prosecution.

Gen. Wilkinson. Were you a member of the court martial which sat on the trial of Major Bruff? A. I was. Q. By whom was Major Bruff arrested? A. By Capt. Richmond. He preferred the charges and solicited the arrest. Q. How many members composed the court; their names and rank? A. Col. Thomas Hunt, President; colonel's Cushing and Kingsbury; Captain's, Lockwood, Bissell, Strong and Many; Lieutenant's Peters, Mulford, Carson, Whitlock, Richardson and Kimball. Q. Was the court unanimous in their sentence? [Some doubt arose about the propriety of answering this question consistently with the articles of war. It was waved for the present.] Mr. Martin. Was it not some short time before the court martial, that an address to the President was hand-