



AND  
North-Carolina State Gazette.

Ours are the plans of fair delightful peace,  
Unwarped by party rage, to live like Brothers.

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No. 415.

THE  
Examination of General Eaton,  
BEFORE  
THE VIRGINIA FEDERAL COURT.

The Judge having delivered his opinion on the point last argued, some arrangements were made for the accommodation of the jury; that they were to occupy two or more rooms in the capitol; that for the sake of exercise they might walk out in a body, or separately, if accompanied by the Marshal or his Deputy; and that they might send or receive letters, if the superscription was shewn to the Marshal. It was understood, that they were to lay all letters before the court, which should appear to touch on the trial, designedly sent to influence their verdict.

The hours of the court were fixed from nine till four. WILLIAM EATON was then called for examination.

Mr. Eaton enquired whether he might be permitted to have recourse to his notes. Chief Justice—Were they written by yourself?—Mr. E.—They were. Mr. Wickham—At what time? Mr. Eaton—At different times. Mr. Burr—Of what nature are they? Mr. Eaton—They are nothing but memoranda taken from notes, which I made of the conversations between you and myself, at the time they passed.—The court decided that they were not admissible. Mr. Eaton—May I ask one further indulgence from the court? I have been long before the public. Much stricture & some severity have passed upon me. May I, in stating my evidence, be permitted to make some explanations concerning the motives of my conduct? Chief Justice—Perhaps it would be more correct for the court to decide upon the propriety of the explanation, when the particular case occurs. Some cases may require it: And if any objection is made to your explanations, then the court will decide upon it.

Mr. Eaton—Concerning any overt act, which goes to prove Aaron Burr guilty of treason, I know nothing; concerning certain transactions which are said to have happened at Blenheim, or any agency which A. Burr may be supposed to have had in them, I know nothing. But concerning Col. Burr's expressions of treasonable intentions, I know much, and it is to these that my evidence relates. Mr. Martin—I know not how far the court's opinion extends. Chief Justice—It is this: that any proof of intention formed before the court itself, if relevant to that act, may be relative to this particular act. Mr. Martin—I trust that when he speaks of a treasonable intention not applicable to this act, the court will stop him.

Mr. Eaton—During the winter of 1805-6, I cannot be positive as to the distinct point of time, yet, during that winter, at the city of Washington, Aaron Burr signified to me that he was organizing an expedition to be moved against the Spanish Provinces on the South Western Frontiers of the United States. I understood under the authority of the U. States. From our existing controversies with Spain, and from the tenor of the President's communications to both Houses of Congress, a conclusion was naturally drawn, that war with that power was inevitable. I had just then returned from the coast of Africa, and having been for many years employed on your frontiers, or on a coast more barbarous and obscure, I was ignorant of the estimation in which Col. B. was held by his country: The distinguished rank he had held in society, and the strong marks of confidence which he had received from his fellow-citizens, did not permit me to doubt of his patriotism. As a military character, I had been acquainted with no one in the U. States, under whose direction a soldier might with greater security confide his honor. In case of my country's being involved in a war, I should have thought it my duty to obey honorable a call, as was proposed to me. Under impressions like these, I did engage to embark in the enterprise, and pledged myself to Col. B.'s confidence. At several meetings, it appeared to be his intention to convince me by maps and

other documents of the feasibility of penetrating to Mexico. At length from certain indistinct expressions and innuendoes, I admitted a suspicion, that Col. Burr had other projects. He used strong expressions of reproach against the administration of the government; accused them of want of character, want of energy, want of gratitude. He appeared desirous of irritating my resentment by dilating on certain injurious strictures I had received on the floor of Congress on account of certain transactions on the coast of Tripoli; and also on the delays in adjusting my accounts for cash advanced to the government; whilst I was consul at Tunis, and for the expence of maintaining a war with Tripoli. I had but a short time before been compelled ingloriously to strike the flag of my country on the ramparts of a defeated enemy, where it had flown for 45 days. I had been compelled to abandon my comrades in war on the fields where they had fought our battles. I had seen cash offered to the half vanquished Chief of Tripoli (as he had himself acknowledged) as the price of pacification. (Mr. Wickham—By whom? A. By our negotiator)—when as yet no execution had been made by our naval squadron to coerce that enemy. I had seen the conduct of the author of these blemishes on our then proud national character, if not commended, not censured—whilst my own inadequate efforts to support that character were attempted to be thrown into shade. To feelings naturally arising out of circumstances like these, I did give strong expressions. Here I beg leave to observe in justice to myself, that however strong these expressions, however harsh the language I employed, they would not justify the inference, that I was prepared to dip my sabre in the blood of my countrymen; much less of their children, which I believe would have been the case, had this conspiracy been carried into effect. (Mr. Martin objected to this language.)—I listened to Col. Burr's mode of indemnity; and as I had by this time begun to suspect that the military expedition he had on foot was unlawful, I permitted him to believe me resigned to his influence, that I might understand the extent and motive of his arrangements. Col. B. how laid open his project of revolutionizing the Territory west of the Alleghany; establishing an independent empire there; New-Orleans to be the capital, and he himself to be the Chief; organizing a military force on the waters of the Mississippi and carrying conquest to Mexico. After much conversation (which I do not particularly recollect) respecting the feasibility of the project; as was natural, I stated impediments to his operations; such as the republican habits of the citizens of that country, their attachment to the present administration of government, the want of funds, the opposition he would experience from the regular army of the United States, stationed on the frontier; and the resistance to be expected from Miranda, in case he should succeed in republicanizing the Mexicans. Col. B. seemed to have no difficulty in removing those obstacles. He stated to me, that he had in person (I think the preceding season) made a tour through that country; that he had secured to his interests and attached to his person, the most distinguished citizens of Tennessee, Kentucky and Territory of Orleans; that he had inexhaustible resources and funds; that the army of the United States would act with him; that it would be reinforced by 10 or 12,000 men from the above mentioned states and territory; that he had powerful agents in the Spanish Territory, and 'as for Miranda,' said Mr. Burr facetiously, 'we will hang Miranda.' In the course of repeated conversations on this subject, he proposed to give me a distinguished command in his army: I understood the second command. I asked him who would command in chief—He said Gen. Wilkinson. I observed, that it was singular he should count upon Gen. Wilkinson. The distinguished command & high trust he held under government, as the commander in chief of our army,

and as governor of a province, he would not be apt to put at hazard for any precarious projects of aggrandizement. Colonel Burr stated that General Wilkinson balanced in the confidence of his country; that it was doubtful whether he would much longer retain the distinction and confidence he now enjoyed; and that he was prepared to secure to himself a permanency. I asked Col. B. if he knew General Wilkinson. He said, yes; and echoed the question. I told him that 12 years ago, I was at the same time a captain in his legion of the United States, his acting brigade major and aid-de-camp; and that I thought I knew him well. He asked me what I knew of Gen. Wilkinson—I said, I knew Gen. Wilkinson would act as lieutenant to no man in existence. "You are in an error," said Mr. B. "Gen. Wilkinson will act as Lieutenant to me."—From the tenor of much conversation on this subject, I was prevailed on to believe, that the plan of revolution meditated by Col. B. and communicated to me, had been concerted with Gen. Wilkinson, and would have his co-operation; for Col. B. repeatedly, and very confidently expressed himself, that the influence of Gen. W. with his army, the promise of double pay and rations, the ambition of his officers, and the prospect of plunder and military achievements, would bring the army generally into the measure. I pass over here, a conversation which took place between Col. B. and myself, respecting a central revolution, as it is decided to be irrelevant by the opinion of the bench. (Mr. Hay—You allude to a revolution for overthrowing the government at Washington, and of revolutionizing the Eastern States.) I was passing over that to come down to the period when I supposed he had relinquished that design, and returned to his project in the west. I was thoroughly convinced myself, that such a project was already so far organized as to be dangerous, and that it would require an effort to suppress it. For in addition to positive assurances that Col. Burr had assistance and co-operation, he said that the vast extent of territory of the U. States beyond the mountains which offered to adventurers together with a view on the mines of Mexico, would bring adherents to him from all quarters of the union. The situation in which these communications and the impressions they made upon me, placed me in, was peculiarly delicate. I had no overt act to produce against Col. B. He had given me nothing upon paper; nor did I know of any person in the vicinity, who had received similar communications and whose testimony might support mine. He had mentioned to me none, as principally and decidedly engaged with him, but Gen. Wilkinson; a Mr. Alston, who I afterwards learnt was his son-in-law; and a Mr. Ephraim Kibby, who I learnt was a captain of Rangers in Wayne's army. Of Gen. W. Burr said much, as I have stated: of Mr. Alston very little, but enough to satisfy me that he was engaged in the project; and of Kibby he said, that he was brigade major in the Cincinnati (whether C. in Ohio or Kentucky, I know not) who had much influence with the militia and had already engaged the majority of the brigade to which he belonged, who were ready to march at Mr. Burr's signal. Mr. B. talked of this revolution as a matter of right, inherent in the people and constitutional; a revolution which would rather be advantageous than detrimental to the Atlantic States: a revolution which must eventually take place, and for the operation of which the present crisis was peculiarly favorable: that there was no energy to be dreaded in the general government, and his conversations denoted a confidence, that his arrangements were so well made that he would meet with no opposition at New-Orleans; for the army and the chief citizens of that place were ready to receive him. On the solitary ground upon which I stood, I was at a loss how to conduct, though at no loss as respected my duty. I durst not place my lonely testimony in the balance against the weight of Col. B.'s character, for by turning the tables upon me, which I thought any

capable of such a project might very cautiously do, I should sink under that weight. I resolved therefore, with myself, to obtain the removal of Mr. B. from this country, in a way honorable to him, and on this I did consult him without his knowing my motive. Accordingly I waited on the President of the U. States, and after a desultory conversation, in which I aimed to draw his attention to the west, I said to him (I took the liberty of suggesting to the President) that I thought Col. B. ought to be removed from the country, because I thought him dangerous to it. The President asked where we should send him—I said to England or Madrid, though it has been said in some publications that I added Cadiz. The President without any positive expression (in such a matter of delicacy) seemed to think the trust too important and expressed something like a doubt about Mr. Burr's integrity. I frankly told the President that perhaps no person had stronger grounds to suspect that integrity than I had; but that I believed his pride and ambition had so predominated over his other passions, that when placed on an eminence and put on his honor, a respect for himself would secure his fidelity. I perceived that the subject was disagreeable to the President, and to bring him to my point in the shortest mode and in a manner which would point to the danger: I said to him, if Col. Burr was not disposed of, we should in 18 months have an insurrection, if not a revolution on the banks of the Mississippi. The President said he had too much confidence in the information, the integrity, and attachment of the people of that country to the union, to admit any apprehensions of that kind. The circumstance of no interrogatories being made to me, I thought imposed silence on me at that time and place. Here, sir, I beg indulgence to declare my motives for recommending that gentleman to a foreign mission at that time, and in the solemnity with which I stand here, I declare that Col. Burr was neutral in my feelings; that it was through no attachment to him that I made that suggestion, but to avert a great national calamity which I saw approaching, to arrest a storm seemed lowering in the west, and to divert into a channel of usefulness, those consummate talents, which were to mount "the whirlwind and direct the storm." About the time of my having waited on the President, or a little before, I determined at all events to have some evidence of the uprightness of my intentions, and to fortify myself by the advice of more experienced men. I waited upon two members of the House of Representatives, whose friendship I had long the honor to retain, and in whose wisdom and integrity I had full faith; I am at liberty to give their names if required, and I believe a senator, but of that I am not certain. I opened to them the projects of Col. B. They did not seem much alarmed. (Mr. Martin objected to the witness stating any of the observations of other persons to himself. After some desultory conversation, the bench supported the objection—Mr. Eaton—I did ask indulgence of the court to make such explanations, because perversions of my conduct were before the public; but I waive this indulgence, contented with meeting these perversions at some other time and place. Ch. Justice—You have used that indulgence.)

Little more passed between Col. Burr and myself relevant to this enquiry whilst I remained at Washington, though he was solicitous to engage me in his western plans.—I returned to Massachusetts; and thought no more of Col. B. and his projects, until in October last a letter was put into my hands from M. Bellnap to T. E. Danielson, stating that boats were building on the Ohio. Mr. Burr—Have you that letter?—Mr. E.—No. Mr. Burr—It is improper then to state it. Mr. Hay—It is immaterial; Mr. Bellnap is here. Mr. Eaton—As to letters, I have had no correspondence with Col. B. I was about to state, that I made a communication to the President of the United States, through the hands of the Post-master General, stating the views of Col. Burr.

Questioned by the Prosecution.  
Mr. Wirt—Was there any conversation between you and the prisoner, in which you spoke of the odium attached to the name of *Usurper*? A. That conversation was excluded by the opinion of the court, as relating to the central project.—Mr. Hay—Did you mean to state that the honorable indemnity proposed to you by the prisoner was to be included in this plan? A. I understood it to be included in the permanent rank and emolument to be assigned me; in his full confidence, that he should erect a government of which he is to be the chief.

Cross-questioned.  
Mr. Martin—Do you recollect when you arrived in Washington? A. I said, that I did not recollect particularly. But the principal part of these conversations must have been between the middle of February and the end of March. Q. Was there any particular conduct calculated to put an end to Colonel Burr's importunities? A. Yes. At some of our last interviews, I laid on his table a paper containing this toast, which I had given to the public:—The United States—Palsey to the brain that should plot to dismember, and leprosy to the hand that would not draw to defend our Union. Q. Where was that toast drank? A. I cannot say—This question was made to me from authority. It was sent with other toasts I had corrected, to a paper at Springfield. I laid this paper on Col. Burr's table, that he might see it; and I have reasons to believe he did. Q. Was it drank at any distant place? At Philadelphia? A. I do not recollect—I thought at first it was Philadelphia; but I had received many hospitalities throughout the union; many of my toasts were published; and in the hurry of passing and repassing, I have completely forgotten. Mr. Burr—Do you recollect when you left Washington? A. About the 5th or 6th of April. Q. Can you not be certain where this toast was drank? At Washington or at Philadelphia? I am certain it was not at Washington, because I gave another there when called upon. Q. Did you say, that all these conversations happened between the middle of February & the last of March. A. No: I did not say so. I said the principal part of these conversations. Q. You say that this toast was drank at Springfield. I did.

Q. Have you in your possession a paper containing that toast? A. I have not here. Q. You mentioned something about a communication which you made to the President through the Post Master General. Look at that paper. Is that your signature? A. It is; and I must give a short account of that paper. Mr. E. then mentioned that the notes on the two first pages were drawn up by Mr. Granger, from conversations which had passed between Mr. G. and a Mr. Ely, on certain communications made to Mr. Ely by Mr. Eaton, respecting Colonel Burr's plans; that he had seen Mr. Ely at Northampton at the session of the court of common pleas, at a time when they had first heard of the building of boats on the Ohio. The notes on the last page, in Mr. Granger's writing, and subscribed by himself, were from subsequent conversations between him and Mr. G. Mr. Burr—You spoke of accounts with the government. Did you or the government demand money? A. They had no demand on me. I demanded of them. Q. Did they state in account a balance against you. A. Expended money for the service of the United States when employed in my agency at Tunis; an account of which being presented to the accounting officers of the treasury, they I was told, had no legal discretion to settle it. As there was no law to authorize this adjustment, I did refer to the Congress of 1803-4. A committee had reported on my claims favorably as I had supposed. I repaired however to the coast of Barbary, and when I returned, found that new difficulties had occurred to an adjustment. Leaving out the sums which I had advanced, the government had a balance against me. The last session of congress has provided for the payment and the commissioners have settled it.