



AND

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

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EXAMINATION

of
Colonel George Morgan
CONTINUED.

This letter (from Col. Burr) was handed to me by a man who called himself Count Willie. I believe my son did not call upon me that evening, but next morning I informed him, if I was able, I should certainly go and meet Col. Burr, and I requested him and his brother to do it, with a letter of introduction explanatory of their names and their intention. What conversation took place between him and my son I shall not state. Col. Burr mentioned Colonel Dupiestre to me as one of the first military characters of the age. I shall pass over the conversation and incidents during dinner. After dinner I spoke of our fine country; I observed that when first I went there, there was not a single family between the Alleghany mountain and the Ohio, and that by and by we should have Congress sitting in this neighbourhood or at Pittsburgh. We are allowed to sport these things over a glass of wine. "No, never," said Col. B. "for in less than five years you will be totally divided from the Adaptic States." The Col. entered into some arguments to prove, why it would and should be so. The first reason was, the produce of the sale of the western lands being carried to the Atlantic States, and that the people to the west should not be tributary to them. He said that our taxes were very heavy, and demanded why we should pay them to Atlantic parts of the country. By this time I took an opportunity to observe, God forbid! I hoped that no such things would happen, at least in my time. This observation terminated the conversation as to that particular point. It then turned on the weakness and imbecility of the Federal Government. I don't recollect saying anything on the subject. I began to think all was not right. He said, with 200 men he could drive Congress, with the President at his head, into the river Potomac, or that it might be done; and he said, with 500 men he could take possession of N. York. He appealed to Col. Dupiestre, if it could not be done. He bowed assent. There was a reply made to this by one of my sons, that he would be dead if they could take our little town of Cannonsburg with that force. Some short time after this, Col. B. went out into the passage and beckoned to my son Thomas. They went out and had some conversation. What that conversation was I shall leave to my son himself to tell. Soon after a walk was proposed to any son's mill, and the company went. When they returned, one, or both of my sons came to caution me, saying, "You may depend on it Col. B. will this night open himself to you. He wants Tom to go with him." After the usual conversation, Col. B. went up stairs and as I thought to go to bed. Mrs. Morgan was reading to me as is usual when the family have retired, when, about 11 o'clock, and when I thought he had been asleep an hour, she told me that Col. Burr was coming, and as she had heard my son's conversation, she added "you'll have it now." Col. B. came with a candle in his hand. Mrs. Morgan immediately retired. The Col. took his seat by me. He drew from his pocket a book; I supposed it was a memorandum book. After looking at it, he asked me, if I knew a Mr. Vigo of Fort Vincent, a Spaniard. I replied, yes; I knew him; I had reasons to know him. One was, that I had reasons to believe that he was deeply involved in the British conspiracy in '88, as I suppose, the object of which was to separate the States; & which Gen. Nevill and myself had suppressed. I called it a nefarious thing to aim at the division of the States. I was careful to put great emphasis on the word nefarious. Col. B. finding what kind of a man he had to deal with, suddenly stopped, thrust into his pocket the book which I saw he had left in it, and retired to bed. I believe I was pretty well understood. The next morning Col. B. and Col. Dupiestre went off before breakfast without my expecting it. My company and my son; and from

that day to this I have not seen him but in this place. My son agreed with me, that I should apprise the President of our impressions, and point out a mode by which Col. B. might be followed step by step. Mr. M^r Rae—After your observations about the country and the subsequent conversation, did the prisoner draw any comparison between the Eastern and Western States? A. He said "Keep yourself on this side of the mountain, and you'll never be disturbed." By which I understood that there was an attempt to be made to effect a disunion. There is one more circumstance which I must state to the court. The Sunday after, the judge of our circuit court dined with me. I requested him to mention the circumstances to Gen. Nevill, and invited him to come the following Sunday to dinner, with judges Thilman and Roberts, for I had business of the first importance to communicate. They did not dine with me on that day, but they did on the following Sunday. These gentlemen wrote a joint letter to the President, informing him of my communication to them.

Col. Burr put some questions to the witness, which were not material.

THOMAS MORGAN

Testified to the same facts with his father, respecting the meeting of Col. Burr, the conversation after dinner, &c. After dinner, the Col. beckoned him out. When out of hearing, he enquired what my pursuits were. I informed him I was studying the law. He said he was sure I could not find employment for either body or mind; and said there were, or asked if there were not, a number of young men in Pittsburgh similarly situated. Adding, that under our Government there was no encouragement for talents; that John Randolph had declared on the floor of Congress that men of talents were dangerous to the Government. He asked me how, or whether I would like a military expedition or life. My answer was, it would entirely depend upon the cause for which I was to fight. I think previously, or certainly soon after, he said "I wish you were on your way with me." After asking Col. B. concerning a young man (Mr. Duer) living at N. Orleans, with whom I had a slight acquaintance, he said he was doing well; and he then spoke of Duer's brother, who was also doing well as a lawyer, but that he had much rather be at the head of a military corps.

Examination of Jacob Albright.

The first I knew of this business was, I was hired on the island to help to build a kiln for drying corn; and after working some time, Mrs. Blannerhassett told me, that Mr. B. and Col. Burr were going to lay in provisions for an army for a year. I went to the mill where I carried the corn to be ground, after it had been dried. I worked four weeks at that business on the island. Last fall, after Blannerhassett had come home—he had been promising me money for some time—I stepped up to him. He had no money at the time, but would pay me soon. Says he "Mr. A. you are a Dutchman." But he asked me first and foremost whether I would not join with him and go down the river. I told him I did not know what they were upon; and he said "We are going to settle a new country." I gave him an answer, that I would not like to leave my family. He said he did not want any families to go along with him. Then he said to me, "you are a Dutchman, and a common man; and as the Dutch are apt to be scared by high men, if you'll go to New Lancaster, where the Dutch live, and get 30 or 40 of them to go with us, I will give you as many dollars." I went some then and gave him no answer upon that. In a few days after the boats came and landed at the island. The snow was about three inches deep, and I went out a hunting. I was on the Ohio side. I met two men; I knew they belonged to the boats, but I wanted to find out; and they asked me whether I had not given my consent to go along with Blannerhassett down the river. As we were talking together, they named themselves Col. Burr's men, be-

longing to the boats landed at the island. When they asked me whether I had not consented to go down with Blannerhassett, I put a question to them—I told them I did not know what they were about; and one of the gentlemen told me they were going to take a silver mine from the Spanish. I asked the gentlemen whether they would not allow that this would raise war with America. They replied, no. These were only a few men; and if they went with a good army, they would give it up, and nothing more be said about it. I had all this conversation with the two men. These men shewed me what fine rifles they had going down the river with them. Then I went to the island and Blannerhassett paid me off in Kentucky notes. People, however, did not like these notes, and I went over to the bank of Kenawa to change them. I got two of the notes changed, and one, a ten dollar note, was returned to my hand, for which I wanted silver from Blannerhassett. I went to the island the day the proclamation came out—But before I went to Blannerhassett's house, I heard he was not at home, but at Marietta. I went on the Virginia side, where I met three other men, belonging to the boats with 3 complete rifles. They made a call upon me to take them to the island in my canoe, & I accepted (excepted) to it; but afterwards I carried the third man, who stood close by my canoe, over to the island. After being some time on the island, I went down to the four boats—Blannerhassett was not at home yet—and I met some of the boat people shooting at a mark. They had a fire between the bank and boats. I waited at the house till Blannerhassett came home. He seemed very much scared. One of the men came up to ask him for something and he told him, "Don't trouble me, I have trouble enough already." He went up to his chamber; and I saw no more of him. I asked an old gentleman to go up to his chamber, and change my note for silver. He did go, and brought me silver. By and by I heard that they were going to start that night. Thinks I, "I'll see the end of it." This was the night of the very day that Blannerhassett got back from Marietta—He got back before night. When night came on, I was among the men, and also in the kitchen, and saw the boat-men running bullets. One of them spoke out to the others, "Boys, let's mould as many bullets as we can fire 12 rounds." After that I saw no more till about twelve o'clock at night. Then Blannerhassett came down from the chamber; and called up some of his servants; he had four or five trunks. There were not trusty hands enough to carry them to the boats, and some persons called after my name and asked me to help them; and I carried one of the trunks and moved along with them. When we got down, some person, I don't particularly know who, but think it was Blannerhassett himself, asked me to stand by the trunks, till they were put into the boats. When the last of them went off, I saw men standing in a circle on the shore. I went up to them; perhaps they were five or six rods from me. The first thing I heard was, their laying plans how Blannerhassett and Comfort Tyler should get safe by Gallipolis. One Nahum Bent was called forward, and when he came, Blannerhassett asked him whether he had not two smart horses. N. Bent answered no; he had but one. Then Blannerhassett told him to go to Capt. Denie and get his sorrel horse; and N. B. told him that the sorrel horse had no shoes on; and Blannerhassett said the roads were soft and would not hurt the horse. Blannerhassett told N. Bent to meet him and C. Tyler somewhere about Gallipolis; Bent enquired how he was to find him out; should he enquire for him? "No."—Have you no friends there? "No." Mrs. Blannerhassett then came forward, and she told Blannerhassett and C. Tyler, that they must get a canoe and get into it before they got to Gallipolis, and sail down the stream. She said she'd pay for the canoe. N. Bent was told to meet them above Gallipolis about day-break, & then they might surround (go around)

Gallipolis. Then a man by the name of Tupper laid his hands upon Blannerhassett and said, "your body is in my hand in the name of the Commonwealth;" or such a word as that. As quick as Tupper made that motion, there were 7 or 8 muskets levelled at him. Tupper looked about him and said, "Gentlemen, I hope you'll not do the like." A man next to me, about two yards off, said "I'd as lieve as not." Tupper then changed his speech, and said he wished him luck and safe down the river. Tupper before told Blannerhassett he should stay and stand his trial. But Blannerhassett said no; the people in the neighborhood were coming down next day to take him, and he would go. Next day after, I saw the Wood county militia going down. The people went off in the boats that night about one. Q. All! A. All but one who was a doctor. All had some kind of arms. How many were there in all! A. About twenty or thirty. I did not however count them. Every man I saw had arms. Q. At what time of the year was this? A. I do not recollect the particular time—I recollect the year but not the month. Q. Do you recollect whether it snows in September? A. I do not recollect. Remainder of the Evidence in our next.

LATEST PROCEEDINGS

on the
TRIAL
of

Colonel Aaron Burr.

Wednesday, Sept. 2.

Mr. Hay wished to know whether he correctly understood the opinion of the court delivered the day before. He had understood it to be that the transaction at Blannerhassett's island did not amount to an overt act of levying war against the United States. If so, he should not be disposed to prosecute Blannerhassett and Smith on the indictment for treason found against them here. After dismissing those indictments, he should move the court to commit, for the purpose of sending them to the state of Kentucky, where overt acts of treason could be proved against them.

The Chief Justice—The court did not mean to give an opinion on the act at Blannerhassett's Island, but a statement of the law, to be applied by the jury. Yet, as the jury has been discharged, I think it proper to give the information requested; and to say it was the opinion of the court that the transaction at Blannerhassett's island was not such as constitute an overt act of levying war.

Mr. Hay—As this is the case, I shall enter a *nolle prosequi* upon those indictments, and wish Messrs. Blannerhassett and Smith to be brought into court, that a motion might be made against them as well as against Col. Burr.

Col. Burr observed that the motions were distinct, and ought not to be combined. He wished also the place to be specified where the treason was alleged.

Mr. Hay said he did not think himself bound to specify the place particularly; but he would do it as well as he was able. He understood, that at the mouth of Cumberland river an overt act of treason had been committed; that Burr, Blannerhassett, and Smith were all present at that place, where an armed multitude were assembled. They moved on to Bayau Pierre, certainly not decreasing, but rather continually increasing, though slowly, in military appearance, until they reached the last mentioned place. The court will decide after hearing the evidence, to which place the persons accused ought to be sent for trial. Mr. Hay observed also that the cases of all three being nearly the same, combining the motions into one, would save time; since it would prevent the necessity of repeatedly examining the witnesses.

Col. Burr—There will be no necessity of examining the same witnesses more than once, as the same court will hear their testimony; but different evidence may be adduced for one or the other of the persons accused.

Mr. Batts observed that the case of Colonel Burr stood on different

grounds from the rest as to many points of legal enquiry as well as evidence: that there were also different counsel employed for the other prisoners, which would render a separate argument necessary. The motions ought therefore to be separate; one examination of the witnesses will be sufficient; when that is gone through, Mr. Hay's overt act will be a subject of ridicule even to himself.

Mr. Wickham—There is another ground of objection to a joint motion. Col. Burr is acquitted and entitled to his discharge. Shall he be detained in confinement while evidence is examined and arguments of counsel are heard, relating only to the cases of Smith and Blannerhassett?

The Chief Justice said that the plea of acquittal presented a question of law and not of fact, and might be reserved for discussion. As to the joint motion, that is another question. The grand jury often find a bill of indictment against several persons charged with the same crime, though the trial cannot be joint without consent. But I think the motions ought to be taken up separately; and as a great portion of the testimony must bear upon all the persons accused, they must all be in court when the examination is going on; for the purpose of cross examining the witnesses.

Messrs. Blannerhassett & Smith were accordingly sent for; but before their arrival, the Chief Justice suggested a difficulty to Mr. Hay, arising from the pendency of an indictment for a misdemeanor. It appeared to him, that while a person was *in custody* charged before a court with an offence, that court could not divest itself of its jurisdiction, and send him to another court to be tried for any other crime.

Mr. Hay observed, that after the evidence was examined, if the court should be of opinion that the prisoner ought to be committed & sent, but for that difficulty, he could then remove it, by entering a *nolle prosequi* on the indictment for a misdemeanor.

Messrs. Wickham and Batts contended that that question ought to be settled before the evidence was examined.

Some conversation ensued on this point.

Mr. Hay said the application made to the court was to commit; but the district Judge was to transmit the prisoner; that when the motion should be made to the district Judge, it would be time enough to remove the difficulty, if it should then occur.

The Chief Justice said the principal difficulty was whether he was not bound, on the motion to commit, to consider the whole question which might come before the district Judge. He examined the law of Congress (1st Vol. L. U. S. p. 73. sec. 33) which requires that if the offence is found bailable, the person accused is to be bound in a recognizance to appear before such other court of the U. S. as should have jurisdiction; and asked how this could be done when he was "in custody here;" for another offence? He said too, "this court is compelled to specify in its order the court to which he is to be sent, and the district Judge is bound to carry the order into effect. How can this be done while the prosecution for a misdemeanor is pending here?"

Herman Blannerhassett and Israel Smith were brought into court.

Mr. Hay said he was sorry so much trouble had been occasioned; that as the court appeared to be of opinion, that the prisoners could not be transmitted, until the indictments for misdemeanors were disposed of, he would acquiesce in that opinion, and proceed to try Aaron Burr for a misdemeanor.

The Clerk was about to read the indictment, when Col. Burr stopped him, and said he was not to be arraigned, but could plead by attorney; that he was not before the court as to this charge!—But was ready to make his motion for his discharge; having been acquitted of the treason.

Mr. Wirt observed that the proclamation made by the officer of the court was, that "if any person could inform the court of any treason, felony, or misdemeanor committed by