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EVIDENCE

of GEN. JAMES WILKINSON, delivered in The Circuit Court at Richmond [CONCLUDED.]

Mr. Swartwout proceeded to inform me, that he came to Louisville and felt at a loss how he should reach me with the most certainty that a rumor had prevailed that I had descended the river. Finally, on the advice of Mr. Floyd, he determined to go across the country under an expectation of finding me at St. Louis. Accompanied by Mr. Ogden, he prosecuted his journey to Kaskaskias. Finding I had descended the river he determined to alter his route; he purchased a skillful employed hands, and followed me down to Fort Adams. At this point I asked him whether this sudden change of route did not expose him to suspicions? He said, that to guard against this, he had wounded his horse with his pen-knife, and informed the people that his intentions were to have visited St. Louis; but having experienced this accident, he should pursue his original destination, which was to descend the river to New Orleans. On arriving at Fort Adams, and discovering that I had proceeded to Natchitoches, he determined to follow me; and his friend Mr. Ogden (pursuing his route) went on with dispatches from Col. Burr to his friends in New Orleans. Mr. Swartwout informed me that Col. Burr, supported by a numerous and powerful association, extending from New York to New Orleans, was about to levy an armed force of 7000 men with a view to carry on an expedition against the Mexican provinces; that 500 men would descend the Allegheny with Col. Swartwout, and a Major or Colonel Tyler; that the boats were already built. He observed that this territory would be revolutionized, where the people were ready to join; and that some seizing, he supposed would be necessary at New Orleans; that they expected to make their embarkation about the 1st of February; that they proposed landing at La Vera Cruz, and marching from thence to Mexico. I observed to him that there were large sums of money in the bank of New Orleans. He replied that he knew that full well. I observed, "surely you will not violate private property." He said "we mean only to borrow and will return it;" that they must equip themselves at New Orleans; that naval protection would be had from G. Britain; that Commodore Truxton and the officers of the navy were so disgusted with the government that they were ready to join; and that pilot boat-built schooners were contracted for on the southern coast of the U. S. for the service.

He enquired of me whether I had heard of Dr. Bollman; and, on my replying in the negative, he expressed some surprize; observed Dr. Bollman and a Mr. Alexander had been sent from Philadelphia by sea, to New Orleans, with dispatches from Col. Burr to me, and that they must have arrived. Mr. Swartwout informed me that he was obliged to go to New Orleans; and was also under engagements to meet Colonel Burr and Gen. Dayton at Nashville, on the 20th of November. I think Mr. Swartwout left Natchitoches about the 18th of December for New Orleans, as I understood.

It may be proper in this stage of my testimony to say, that the envelope which contained the cyphered letter from Col. Burr, covered also two other letters. To save misrepresentation, it may also be proper to say, that when I speak of an envelope, it is in contradistinction to a sealed packet. It occurs to my recollection, that a letter addressed to John Peters, Esq. of Nashville, was enclosed in the envelope, as well as another letter from Gen. Dayton, in cypher. (See J. Dayton's letter. Note C.)

Mr. Baker—Do you say that the letter from Gen. Dayton was enclosed in another cyphered letter? A. No: I say exactly the reverse. It came with it. Mr. Wickham objected to reading the letter from

Gen. Dayton. He said that, Gen. Dayton being absent, he had no opportunity of consulting him, or of ascertaining his wishes respecting it; there be no other evidence than the letter was from Gen. Dayton, except that a letter was received by Gen. Wilkinson purporting to be a letter of Gen. Dayton's, it was no evidence. Mr. Hay—The fact stated by Gen. Wilkinson is that he received this letter. It may have had a considerable influence with him as to the course which he pursued. He received the letter, together with another cyphered letter from Col. Burr, and the fact being that he received this letter, purporting to be a letter from Gen. Dayton, it surely may be read. Mr. Wickham—If the letter by itself would not be evidence, its being connected with another does not make it so. Mr. Hay—On that distinction I mean to offer it. If General Dayton were before the court, he might require some other evidence as to the authenticity of the letter. Gen. Wilkinson is telling his whole story; he is to give his whole narrative; and all the circumstances will bear upon each other. The chief Justice at first said, that if Gen. Wilkinson would say the letter influenced his conduct, it might be read; but finally, he observed, that on the motion before the court, it might be improper to read it. It is the intention of Gen. Wilkinson to state that certain conduct of his was produced by that letter, he may state that such conduct was produced. General Wilkinson—must say this letter materially influenced the measures which I pursued. Mr. Hay—There is certainly a wide difference between this case and a mere examination before a Judge and a trial before a Jury. This letter may identify General Dayton with his imputing at the mouth of Cumberland.

Gen. Wilkinson—Here is a letter, addressed to J. Peters, Esq. signed "A. Stephens." It appears to be in a different hand; but I have no doubt of its being the hand writing of Col. Burr. (See Note D.)

I returned from the operations against the Spaniards the 5th of Nov. on the next morning (the 6th of Nov.) to Natchitoches. On the morning of the 6th of Nov. a small Frenchman (whom I had never seen before, nor have I ever seen him since) presented a packet to me, and took his leave. This I found to be a letter from Dr. Bollman covering a letter from Col. Burr. The letter from Dr. Bollman, in his proper and writing, bears date September 27, 1806, from New-Orleans (See Note E.) Here is the cyphered letter enclosed by Dr. Bollman; and I find it is an exact duplicate, as it professes to be, of the one received by Mr. Swartwout, with this variation—Dr. Bollman, equally confidential, better informed on the subject, and more intelligent, will hand this duplicate. [This letter was laid upon the clerk's table.] That letter also inclosed one from Gen. Dayton. (Mr. M. Rae—Of the same tenor as the former? A. No: quite different.) This letter is partly in cypher and partly in the common script. (See Note E.)

Mr. Wirt—Are you acquainted with Gen. Dayton's hand writing? A. Perfectly. Mr. Hay—How did you become acquainted with it? A. From a long and familiar correspondence. Here is a letter from Gen. Dayton to me, introducing his son, which will shew the similarity of the hand-writing. Here the General produced the letter of introduction. On the same morning I received the following information from Natchitoches, in a letter from J. L. Donaldson, dated the 30th of November, 1806. [Here Gen. Wilkinson offered to read the letter; but it was rejected by the court. See Note F.] In consequence of the receipt of this letter from Mr. Donaldson, and my reflections on the letters from Col. Burr, I determined to concentrate my whole force in New Orleans, as soon as possible. [Mr. Hay said that he was willing, in order to save time, to waive every thing which related to the operations of the army; and requested that Gen.

Wilkinson would proceed to relate what occurred at New Orleans.] I proceeded from Natchitoches to Natchez and descending from that place reached Fort Adams on the 18th of November; where I found Swartwout, who had been taken ill on his route from Natchitoches to New Orleans, and, for his accommodation, was invited by some one of the officers to that place, on his way to Tennessee; but being alarmed by the rumors which prevailed in that part of the country, he was afraid to proceed, and had halted there. I enquired of Mr. Swartwout whether Mr. Ogden had borne any letters. He said that he had not; but that Lt. Spence of the navy had been sent some time before from New-Orleans through the country, with letters from Col. Burr. I proceeded on, and reached New-Orleans on the 25th of November, in the evening; and, on the 26th in the morning, I received this letter from Dr. Bollman. [Here Gen. Wilkinson produced the letter. See Note G.] This letter reminds me of a circumstance which I had omitted. The morning after I had received the letter of Dr. Bollman at Natchitoches, I acknowledged the receipt of it in a short note, and informed him that I should be in New-Orleans about the 20th. I do not call on Dr. Bollman until the 30th. After the ordinary salutations, I enquired if he had not heard of Col. Burr since his arrival? He informed me that he had not. I asked him whether he had not heard of Lieut. Spence's arrival in Tennessee. He enquired how I came to know any thing of Lieut. Spence? I informed him that it was through Mr. Swartwout. He assured me that he had sent dispatches for Col. Burr by Lieut. Spence, and that he had heard of his arrival at Nashville. He then enquired what part I meant to take? I observed, "I felt myself delicately situated. It was impossible that I could take any part while I held my commission; and I was so circumstanced that I could not get out of it. I observed that it depended upon a variety of circumstances; such as winds, weather, disposition of the troops, skill in the conduct, the resistance of their opponents, and other causes on which the success of military operations depend. But I gave it as my opinion, that I thought the force insufficient. He said that Col. Burr had gone too far to retreat, that he had numerous and powerful friends in the U. States, who stood pledged to support him with their fortunes; and that he must succeed. He then enquired of me my opinion of the state of magazines & provisions at New-Orleans. I observed that if Colonel Burr descended with the force proposed they would starve unless they brought provisions along with them; for he had ascertained before my precise quantity then on hand. He said it was his opinion also, that there would be a scarcity of provisions; that he had written to Colonel Burr on the subject; and that he expected a supply from New-York and Norfolk, where Col. Burr had many friends. He said that he had noticed in the public prints the sailing of some vessels with flour; and supposed that they might be destined for that place. I did not see Dr. Bollman afterwards, till the 5th of December, the day after the arrival of the mail; and I called on him to enquire the news. He said that he had seen a letter from Col. Burr, of the 30th of October, in which he stated that he should be at Natchez on the 20th of December, with two thousand men, and was to be followed by four thousand more; and that he could have raised or levied twelve thousand men as easily as six if he had thought them necessary. I then informed Dr. Bollman, that if Col. Burr came to New-Orleans, I should oppose him. He replied they must come there for provisions and equipments. He observed that Col. Burr had great confidence in me; but he did not know what passed between us; and asked if I could not make such a defence as would cover my reputation, and still permit him to come. I replied in the negative, and we then parted. Some few mornings afterwards, he called

at my quarters: there was a gentleman in the room; and I took him into the Piazza. He said that he wanted to know my determination. I expressed my surprize; and told him that he knew my determination.

Mr. Hay—While you were thus extracting from Dr. Bollman the secrets of his party, were you taking any measures for the security of New Orleans? Ans. Yes. My orders and instructions will shew what measures I deemed it my duty to pursue. For these I am responsible to the Executive of the U. States.

Mr. Martin—Are the cyphered letters filed? Ans. Yes. Q. Is the key furnished? Ans. Here it is. Mr. Botts—In the duplicate received by Dr. Bollman, there is an erasure. Will you be so good as to explain the cause of it.

Gen. Wilkinson—That erasure was made by himself, and the words afterwards introduced by me. I have a position which will be more satisfactory than my own explanation. Mr. Botts—Whose deposition? Ans. Mr. Duncan's. (Mr. Wirt read the deposition of Mr. Duncan for which see Note H.) Mr. Botts—When was the erasure made? A. During the sitting of the Legislature in New Orleans. Q. Where were the words restored? Ans. I cannot now state with certainty. Question. Was the letter exhibited to the Legislature? A. It was introduced; but I confined myself to oral communications. Q. What was the occasion of the erasure? Ans. To put it out of the power of a certain faction in the Legislature, whom, at that time I intended to submit the paper, to conceal it from that faction who were opposed to my measures, and who, I believed, were inimical to the interests of their country, and were laboring to excite suspicions that I was connected with Col. Burr, in order to destroy the public confidence in me, and thus to defeat my measures. At the head of this faction I considered John Watkins, Esq. Speaker. Having determined not to submit the letter, I restored the words. Q. Did you prepare any translation to submit to the Legislature? A. No: I only made notes. Q. Did you make a translation for any other purpose? A. Only a partial and imperfect one. Q. For what purpose? A. To understand it. Ques. Was there any other occasion for which you made any translation? Q. No. Q. Did you make any translation for the Executive? A. No. Q. Were those words "Your post-marked 13th of May is received," erased? A. Yes. Q. Where is the copy of your letter, covering a copy of that of Col. Burr, and your disposition to the President of the United States? A. It is among my papers. Mr. Hay. Do I understand you correctly, when I suppose you say, that the translation intended for the Legislature of New Orleans, was sent to the President of the U. States? A. No. (Mr. Hay immediately observed, that on recollecting dates, he perceived that he had misunderstood Gen. Wilkinson; that he letter was sent to the President before the session of the Legislature of New-Orleans.) Mr. Botts—Do I understand you to say that this was your translation of the letter which was intended for the Legislature of New-Orleans? A. No: it was Mr. Duncan's. Mr. Botts—Have you ever sworn that this was a true translation? A. No. Only substantially so. [Gen. Wilkinson—May I be permitted to offer a few words of explanation? When Dr. Bollman was arrested, I will confess to you that I was so little acquainted with judicial proceedings, that I did not know it was necessary to do more than accompany him with a letter of advice. I was about to send him off in that way, when Mr. Duncan suggested to me the propriety of sending forward a deposition to justify his commitment. I put the letter in the hands of Mr. Duncan, with the key, and he made out the interpretation. When Mr. Duncan presented the translation to me, I stated my objections to the omissions. He urged me to sign the deposition. The time was urgent; the express waiting; and I confess that I feared a rescue. This did not give me much time to

consult my understanding. If I had, it is probable that I should have resisted the signing of the deposition, with those omissions, notwithstanding my confidence in the judgment and integrity of my counsel. I was also, at the time oppressed by domestic afflictions; and my mind was hurried and agitated by the painful and interesting scenes which surrounded me.

Mr. Botts—Were there variations between the original letter in cypher, and that sent on to the President? A. Yes. Mr. Botts—Were they noticed by you, or by Mr. Duncan in your presence? A. I suppose so; because I objected generally to the omissions. Mr. Botts—How was the cypher formed? A. It consisted of an American edition of Entick's Dictionary, and of Hieroglyphics. Mr. Botts—Which was formed first? A. The Dictionary. Mr. Botts—When was that formed? [Here Gen. Wilkinson referred to a letter, without a signature, dated in 1800; and said he presumed it must have been formed about that time.] Mr. Botts—Do you know the time of the year? A. I presume it was October. Mr. Baker—To whom was that letter addressed? A. To myself. Mr. Baker—By whom was it written? A. By Col. Burr. [General Wilkinson observed, that it was a private letter, to which he had referred merely to refresh his memory, the concluding paragraph of which is, "when I receive your cypher and your address, you shall hear from me." Mr. Wickham insisted upon seeing the letter. Gen. Wilkinson refused; but said it was at the disposal of Col. Burr, and handed it to him.] Mr. Botts—With whom was the cypher formed? Col. Burr and myself. Mr. Botts—When were the Hieroglyphics agreed upon? A. To the best of my recollection, the Hieroglyphics which refer to the Alphabet were formed about the change of the administration, after the induction of the President. The Hieroglyphics are divided into two parts; one part relates to the Alphabet and figures, and the other to arbitrary names or designations. Mr. Botts—When were the arbitrary names established? A. I think in the year 1793 or 1796, but not delivered to Colonel Burr, at the time. Mr. Botts—Who originally devised the cypher? A. That you hold in your hand (the Hieroglyphics), were devised by myself and partly by Captain Campbell Smith. Mr. Botts—Are you sure it was in 1796 in which that part was devised? A. I think I said in 1795 or 1796, in which that part was devised, but could not ascertain which. Burr, availing to the motives which induced me to form it, I think it was in 1794. Mr. Botts—Are there no circumstances which can enable you to ascertain the time? A. I could have proved with certainty, the time, if a witness who I had summoned had attended. Here is another cypher made by Capt. Smith in 1794; and the Hieroglyphics representing the President and Vice President are the same with those used in the cypher with Col. Burr.

Col. Burr—What was the mode adopted by you of sending round the prisoners? By public vessels? A. No. My plan was to engage passages on board private vessels, and to lay in a double stock of stores for their accommodation. Col. Burr—When did your dispatches go on board the vessel? Can you ascertain the time? A. Not without recurring to my correspondence. Mr. Wirt—You had been for many years in habits of intimate correspondence with Col. Burr. A. Yes.

DOCUMENTS Referred to in General WILKINSON'S Evidence,

(A) On or about the 8th of October, 1806, I was sitting at the dining table in my quarters at Natchitoches with General Wilkinson, when a gentleman entered the room and enquired for Colonel Cushing. I rose to receive him, and he presented to me the letter from General Dayton, of which the following is an exact copy, viz: "Elizabeth Town, N. J. July 27th, 1806. "Dear Sir, "This will be presented to you by nephew a son of the late General Martha Ogden, who commanded one of the Jersey Regiments in the Revolutionary War, at