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FRIDAY, AUGUST 28, 1807.

RICHMOND, August 21.

TRIAL OF AARON BURR.

(Continued by adjournment, and held at the Capitol in the Hall of the House of Delegates) for HIGH TREASON against the United States.

GEN. EATON'S DEPOSITION.

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 general government. 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 coasts 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 made acquainted with one within the U. S. under whose direction a soldier might with great security confide his honor. In case of my country's being involved in a war, I should have thought it my duty to obey so 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 interviews, 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 insinuations, I admitted a suspicion, that Col. B. 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 seemed 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 advances of money on account of the United States; and talked of pointing out to me modes of honorable indemnity. I will not conceal that Col. B. had good grounds of reason for supposing me disaffected towards the government: I had indeed suffered much from the delays in adjusting my accounts for cash advanced to the government, whilst I was consul at Tunis, and for the expence of maintaining the 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 blunders of 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. B's mode of language; 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 myself resigned to his influence, that I might understand the extent and motives of his arrangements.—Col. B. now 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.

he would experience from the regular army of the United States, stationed on that frontier; and the resistance to be expected from Miranda, in case he should succeed in republishing the Mexicans. Col. B. seemed to have no difficulty in removing these 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 exhausted resources and funds; that the army of the U. S. 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 must hang Miranda." In the course of repeated conversations on this subject, he proposed to 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 and high trust he held under government, as the commander in chief of our army; and governor of a province he would not be apt to put at hazard for any precarious projects of aggrandisement. Col. Burr stated that Gen. 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 gen. 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 wing of the legion of the U. States, his acting brigade major and aide-de-camp; and that I thought I knew him well. He asked me, what I knew of gen. W. I said, I knew gen. W. would act as lieutenant to no man in existence. "You are in an error," said Mr. B. "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. W. and would have his co-operation; for Col. B. repeatedly and very confidently expressed his belief, 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. B. had of assistance and co-operation, he said that the vast extent of territory of the United States beyond the mountains which offered to adventurers, together with a view of 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 General Wilkinson; a Mr. Alston, who I afterwards learnt was his son-in-law; and a Mr. Ephraim Kibby, who I learn was late a captain of Rangers in Wayne's army. Of Gen. Wilkinson, 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 vicinity of Cincinnati (whether C. in Ohio or in Kentucky I know not) who had much influence with the militia and had already engaged the majority of the brigades 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 conversation denoted a confidence, that his arrangements were so well made that he should meet with no opposition at New Orleans; for the army and 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 myself, though at no loss as respected my duty. I durst not place my lonely testimony in the balance against the weight of Col. Burr's character; for by turning the tables upon me, which I thought any man capable of such a project might very conscientiously do, I should sink under that weight. I resolved therefore with myself to obtain the removal of Mr. Burr from this country, in a way ho-

norable to him, and on this I did consult him without his knowing my motive. Accordingly I waited on the president of the United 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 Colonel Burr ought to be removed from the country because I considered him dangerous in it. The President asked where we should send him. I said to England or Madrid, though it had 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 the integrity of Mr. B. 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 of ambition had so predominated over his other passions, that when placed on an eminence and put on his honor, a respect to 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. B. was not disposed of, we should in 18 months have an insurrection, if not a revolution on the waters 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 upon 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 tempest which 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 the honor long 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. Burr. 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 pervasions of my conduct were before the public; but I gave this indulgence; contented with meeting these pervasions at some other time and place. C. Justice. You have used that indulgence. Little more passed between Col. Burr and myself, relevant to this inquiry, 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. or 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. B. It is improper then to state it. Mr. Hay. It is immaterial. Mr. Bellnap is here. Mr. E. 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 postmaster general, stating the views of Col. B. Questioned by the Prosecution. Mr. Witt. Was there any conversation between you and the prisoner, in which you spoke of the odious attached to the name 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 liquidated a government of which he was to be the chief. Cross-questioned. Mr. Martin. Do you recollect when you arrived in Washington I. 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 latter end of March. Q. Was there any particular conduct calculated to put an end to Col. Burr's importunities? A. Yes. At some of our last interviews, I laid on his table, a paper containing the toast, which I had given to the public: The United States—Fidelity to the brain that should pierce to dismember, and leprosy to the hand that would not draw to defend our union. Q. Where was that toast drunk? A. I cannot say. This toast was made to me from authority. It was put with other toasts I had collected, to a paper, Springfield. I laid this paper on Col. Burr's table, that he might see it, and I have reasons to believe that he did it. Q. Was it drunk at any distant place? A. 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 passing, I have completely forgotten. Mr. B. Do you recollect, when you left Washington? A. About the 5th or 6th April. Q. Can you not be certain where this toast was drunk? A. Washington or at Philadelphia? A. I am certain it was not at W. because I gave another when called upon. Q. Did you say, that the conversation happened between the middle of February and the last of March? A. No. I do not say so. I did not attend to the date of the conversation.

Q. You say that this toast was printed at Springfield? A. I did. Q. Have you in your possession a paper containing the toast? A. I have not here. Q. You mentioned something about a communication which you made to the President through the Post General. Look at that paper. Is that your signature? A. It is; and I will give a short account of that paper. Mr. B. then mentioned that the notes on the two first pages were drawn up by Mr. Granger, from conversation which had passed between Mr. G. and a Mr. Ely, on certain communications made to Mr. Ely by Mr. Eaton, respecting Col. B'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 of 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. I expended money for the service of the U. S. 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, favorable 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. Mr. Martin. What balance did you receive? A. That is my concern, sir. Mr. Burr. What was the balance against you? Mr. E. (To the court) is that a proper question? Mr. Burr. My object is manifest. I wish to show the bias which has existed on the mind of the witness. Ch. Jus. I have no objections to the question. Mr. E. I cannot say to a cent or a dollar; but I have received about 10,000 dollars. Mr. Burr. When was the money received? A. About March 18th. Q. You mentioned Miranda. Where did you understand he was gone to? A. On the benevolent project of revolutionizing the Spanish Provinces. Q. What part of them? A. Caracas. I had some reason too to know something of that project; because I too was invited to join in that. He too was to have been a little Emperor; he might have been troublesome to us; and of course when I asked you what was to be done with him, you observed, "hang him." Q. Did you understand, I was to do all at once; to execute the central project too as well as those in the west? A. I have no objections to answering that; but it will be nothing in your favor. When Col. B. was speaking of a central revolution, not much was said about his revolution in the west.—Had the other been effected, I doubt much whether you would have been willing to have separated that part. Q. You spoke of a command.—A. You stated, what I have already mentioned, that you were assured, from the arrangements which you had made, that an army would be ready to appear when you went to the waters of the western country. I recollect particularly the name of Ephraim Kibby. You asked me about his spirit. You asserted that his brigade was ready to join you, and that the people also in that country were ready to co-operate. You spoke of your rife-men, your infantry, your cavalry. It was with the same view, you mentioned to me that that man (pointing to Gen. Wilkinson just behind him) was to have been the first to aid you; and from the same views you have perhaps mentioned me.—Mr. Martin objected to the witness interposing his own opinions in this manner. Mr. Hay. Some allusion is to be made for the feelings of a man of honor. Mr. Eaton bowing apologized to the court for the warmth of his manner. Mr. Burr. You spoke of my revolutionizing the western States.—A. Your line was to be the Alleghany mountain. You were certain about Kentucky and Tennessee; but expressed some doubts about Ohio; I well recollect that on account of the reason which you gave; that they were too much of a plodding, industrious people to engage in your plans. Q. How was this business to be effected? A. I understood that your agents were in the western country; that the commander in chief was ready to co-operate with his army; and that these with the adventurers that would join you, would compel the States to a separation. Indeed you seem to consider New Orleans as already yours; and that from this point you would make conquests and consolidate your empire. Q. Was it after all this, that you recommended me to an embassy? A. Yes; and because I thought it the only way to avert a civil war. Q. Did you communicate your recommendation to me? A. Yes; you seemed to assent to the proposition. Q. What had become of your command? A. That I had disposed of myself. Q. Did you understand that you had given me a definitive answer? A. No; after you had developed yourself, I determined to use you until I got every thing out of you; and on the principle that "when innocence is in danger to break faith with a bad man, is not fraud, but virtue." Q. Did you think that your proposition as to a foreign embassy, which was so incompatible with my own plans, would be received by me with indifference; had I abandoned the project? A. You seemed to me to want some distinguished place; as to the mode, you were indifferent; and you seemed to acquiesce in the plan of a foreign embassy. Mr. Hay. You said that you received about 10,000 dollars from the government. The act of Congress did not give you a definitive sum. A. The act of Congress gave the accounting officers the power of settling with me, under the inspection of the secretary of state; under whose department I had served, and the settlement was accordingly made.

both nations, I beg you will have them inserted in your paper. I am, sir, With consideration, KROHM. Toasts drank on the 16th of August, on board the Patriot, lying in the Patuxent, on day of St. Napoleon, a festival in honor of the Emperor of the French. 1. Napoleon the Great, Emperor of the French and King of Italy.—May this magnanimous Prince force his last enemies to sue for that peace, which he has so often offered. 2. May he obtain as the reward of his virtues, what he so ardently desires for the happiness and honor of all nations. 3. The President of the United States and the people of America.—May they never forget the French are their ancient and true friends, and that they may always count upon them. 4. The Grand Army, the conquerors of Italy, of Egypt, and Prussia.—May they enter France under the triumphal arch, and repose themselves under that glory which is attached to their invincible courage. 5. His Excellency the Ambassador from his Imperial Majesty near the American government. 6. His Excellency the Governor of Maryland. 7. The French and American Ladies. 8. To all our friends. American, AND Commercial Daily Advertiser. FRIDAY, AUGUST 28, 1807. Every honorable man must, we presume, at once condemn the in-ulting questions put by Luther Martin and Aaron Burr to General Eaton. Burr's object was manifest, as he truly said. He wished to impress upon the public mind that General Eaton, having received a large sum of money from the government of the United States, in liquidation of his claims, was biased by that circumstance against him. It happens, however, very unfortunately for Martin and Burr, whose names seem destined to swim down the stream of time together, that General Eaton made his claim upon the government before Burr's designs were suspected; and he disclosed the facts that his testimony develops, previous to the adjustment of his claims: And moreover, let it be recollected, that it was the representatives of the people in Congress assembled who authorized the liquidation, and not the executive, who had no power to do so. In the American of Monday last (the reader no doubt recollects the article) we inserted a statement made by Washington Morton relative to the conduct of captain Boulderson, commander of a British packet, who fired on Mr. Morton's schooner, one shot going within one hundred yards of her. To this statement, capt. Boulderson has replied in substance as follows:— On Wednesday afternoon, steering for Sandy Hook, within five or six miles of the Light House, saw a schooner, built and rigged exactly in the pilot boat style; the wind being light with a flood tide, my anxiety was of course great to have a pilot on board. A signal was hoisted, and a gun fired, which not being noticed, I fired another gun some minutes after; being shot at, I directed the master to be very careful to point the gun very wide of her, in a direction that would be impossible to do any mischief; as evidently appears from the ball falling four or five hundred yards astern of the said schooner. To the truth of this replication, J. Higginbotham, said to be a citizen of the United States, has made oath. Mr. Morton, however, has supported his statement by the depositions of George Reins and John Hopper, who were on board his schooner at the time; the first averring, that he "remarked at the time, being on the end of the boom, that he could throw a stone to the spot where the shot struck, and is of opinion it struck about 100 yards from the schooner;" the latter declaring, "that the ship being rather a-head; the shot came over the bowsprit, nearly raking the schooner, and struck a stern from one to two hundred yards at farthest." It seems that by making public the conduct of captain Boulderson, Mr. Morton has drawn upon himself the active vengeance of the British partizans in New York. In reply to the threats of persecution, he very spiritedly says— "I was perfectly aware, that by publishing the facts which occurred between the British Packet and my vessel, the indignation and vengeance of a certain class of people, would instantly be my portion. But, a sense of justice to myself, and a sacred regard to the dearest rights of my country, forbade me to think of such a contemptible difficulty.—All I ask from these people, is, to let their resentment and their enmity be open and palpable. I never received an obligation from one of them, and stand, therefore, perfectly free to take any course they may chuse to select, as to determining whatever difference of opinion may exist between any of either of us. "To my own countrymen I have nothing further to add—to their hearts and heads I willingly commit my cause. If I live with them—become a crime to be jealous of our national honor, and individual rights, and if I think that all things

NEW-YORK, August 25.

Captain Howell, who arrived yesterday in 9 days from Porto Rico, informs, that a Spanish schooner had arrived at that place from Santa Marco, with the news of the capture of Monte Video, by the Spaniards, who had, it was said, put all the English troops to the sword. FROM THE NATIONAL INTELLIGENCER. On board of the Patriot, 17th August, 1807. Hiacinthe Krohm, captain of a vessel of the first class, officer of the Legion of Honor, commander of the PATAROT, of the French fleet, on the station of the United States. Patriot, 17th Aug. 1807. I send you a list of the toasts drank on the 16th of August, on the festival of the Emperor.—As they are in honor of