at all, he is completely guilty of treaſon.—It would be abſurd to ſuppoſe that a man who had revolved ſuch an immenſe project in his mind, would communicate it to many. But he did diſcloſe it to a few, and fortunately for our country the evidences of his deſign have been diſcloſed to our government. I ſhall lay before you, gentlemen of the jury, evidence the moſt poſitive and direct, as well as numerous and concluſive circumſtances, to eſtabliſh the exiſtence of this deſign.

For the purpoſe of eſtabliſhing an empire in the weſt, of which New Orleans was to have been his capital, he made two long viſits in the weſtern country. He was in Kentucky and Tenneſſee, and travelled in various directions until he arrived in New Orleans. Wherever he went, with a view of facilitating the conſummation of his own deſigns, he ſpoke diſreſpectfully of the government of his country. He repreſented it as deſtitute of energy to protect our national rights, or ſpirit to maintain our national character. He aſſerted that all the men of property and influence were diſſatisfied with its arrangements, becauſe they were not in the proper ſituation to which they were entitled; that with 500 men he could effect a revolution, by which he could ſend the Preſident to Monticello, intimidate Congreſs, and take the government into his own hands: and that the people were ſo little acquainted with, and ſo indifferent about their rights, ſo completely deſtitute of public ſpirit and of an efficient leader, that they would be mean enough to acquieſce in this revolution. Such were his expreſſions about the government and the people. To the people of the weſt he ſpoke a different language—He repreſented to them that they were in a ſtate of colonial dependance on thoſe of the Atlantic ſtates; and that they annually paid millions, for which they received no return. They were told, that a ſeparation was neceſſary, and would unqueſtionably take place; not as reſulting too from the operation of natural cauſes, but as determined by a particular chain of events; that the deſtiny of the republic was fixed, and that in the courſe of two years they would ſee it in ruins. I thank God! That this prediction is not fulfilled; and our poſterity will alſo thank their God, that the accompliſhment has not reached *their* own times.—Such were the ſentiments which he avowed; ſuch were the doctrines which he endeavored to propagate, though all this while pretending that his objects were of a purely agricultural nature. Nor was this language confined to converſation alone; for writings were publiſhed by one of his adherents, calculated to ſcatter diſaffection among the people, and prepare them for his plans.

To accompliſh theſe plans, in the ſummer and fall of 1805, men were actually enliſted, boats built on the waters of the Ohio, proviſions purchaſed to an enormous amount, and arms and ammunition provided. Some of theſe men, about 40, aſſembled with arms on Blannerhaſſett's iſland, in order to deſcend the river. Burr was not there at that moment. He had left it a ſhort time before; he had intended to return; but he had been warned not to return. His preſence however was not material. A man may levy war at the diſtance of 3000 miles; we may probably have an experience of this truth in a few months. But this principle has been ſufficiently eſtabliſhed by the deciſion of the Supreme Court. "If war be actually levied, all thoſe who perform any part however minute or *however remote from the ſcene of action*, and who are actually leagued in the general conſpiracy, are to be conſidered as traitors." It is this aſſemblage of men which conſtitutes the overt act of treaſon, and is relied on in ſupport of the indictment. Theſe troops on the iſland ſeeing the country alarmed, and themſelves threatened by the militia of Wood county, made a precipitate retreat by night, in company with Blannerhaſſett, and deſcended the Ohio to the mouth of Cumberland river, where Burr joined them with a ſmall party and took the command. By this time their numbers increaſed to more than 100. The men under the command of Burr and Blannerhaſſett then deſcended the Miſſiſſippi, to a point called Bayou Pierre in the neighborhood of Natchez. It was here that Mr. Burr firſt underſtood that his preparations would be defeated through the exertions of the commander in chief; that his letter in cypher had been communicated to the Preſident; and it was here that he expreſſed to another perſon the aſtoniſhment and indignation he felt at being (as he ſaid) thus betrayed. Finding that all his ſchemes were baffled, he entered into a kind of capitulation with Cowles Mead, was bound to appear before a tribunal at Natchez; came off, it is ſaid, without the leave of the court, and was arreſted by Perkins in his flight.

It will be proved to you, by expreſs and direct evidence, that a ſettlement on the Ouachita was merely a cover for concealing the deſign of himſelf and his aſſociates. We have as yet indeed no kind of proof that he has acquired a real title to this land—but the utmoſt myſtery and circumſpection prevailed on this ſubject. To the world at large and to thoſe whom he had not tampered with, the object was avowed to be the ſettlement on the Ouachita. To ſome, intimations were dropped of an approaching rupture with Spain, againſt whoſe provinces the expedition was intended: his language continually varying with the character whom he addreſſed. To a few, and a few only, his real deſign was developed. But to all were held up the idea of ſome great project. All were told that the deſign was juſt and honorable; known and approved by the government and in which the co-operation of the army was to be expected; that it was one which would lead to great fortunes, and that it would be developed as ſoon as the proper time for the diſcloſure arrived. The time, however, never did arrive. At Blannerhaſſett's iſland, it was not the time; and when at the mouth of Cumberland river ſome enterpriſing men, but who were not diſpoſed to violate the laws of their country were ſolicitous to underſtand this project, they were told that the time had not yet come. Ignorant people were led away from their homes, under an expectation that they would be informed of the whole project—the information was promiſed, but never imparted. The conſequence was, that when Mr. Burr was apprehended, they were left to find their way back to their own homes in any way that they could.

Chimerical as this project may appear, there was only one ſingle thing wanted to accompliſh it: the co-operation of the commander in chief and of the American army. If gen. Wilkinſon had acted as ſome have repreſented; if inſtead of performing the part of a patriot, he had played the character of a traitor; what would have been the conſequence? The people of the U.S. would have had a civil war raging in the Weſt; while our Eaſtern coaſts would have been ravaged and inſulted by an inſolent foe, in conſequence of our internal diſtractions. From this calamity, at leaſt from that which hovered in the Weſt, we have been protected by the vigilance and integrity of the commander in chief. I care not for the conſtructions which may be placed upon my aſſertions;—but I will venture to declare that ſince the adoption of the Federal Conſtitution, no man has had it ſo much in his power or has ſo effectually uſed it, to render ſervices to his country, as gen. Wilkinſon has done by defeating this project—& yet for this illuſtrious ſervice, he has been as much cenſured, inſulted and denounced, as if he had joined in it.

It is not right to anticipate the defence—but the priſoner himſelf ſtated while under examination, that the object of his expedition was peaceful and agricultural. If this ground ſhall be again taken, we ſhall find no difficulty in bringing together a variety of circumſtances to prove its inſtability. At preſent I am too much exhauſted to detail them; but that taſk, if neceſſary, ſhall hereafter be performed.

I have obſerved, that you would enter upon this enquiry with calmneſs & impartiality; and I muſt hope, too, with firmneſs. This queſtion is to be contemplated and decided on the very ſame principles, as if the place of the priſoner were occupied by the moſt ignorant man in the community. It is true that he has been the vice-preſident of the U. S. the ſecond in office, and perhaps the ſecond in the confidence of his fellow citizens—and that he has talents and energies which at the approaching criſis might have been employed moſt honorably to himſelf, and moſt uſefully to his country. But theſe circumſtances aggravate, if any thing can aggravate, rather than extenuate the enormity of his crime. It is not often, at leaſt in other countries, that the laws of ſociety operate upon men of this ſtamp. Lord George Gordon, the miſerable fanatic, was acquitted—while 19 of his poor deluded followers were hung up at once and paid the forfeit of his crimes. I call upon you, gentlemen of the jury, to remove all ſuch diſtinctions in this land of equality—to do the ſtricteſt juſtice to all; and to find upon the evidence which will be produced before you.

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TUESDAY, AUGUST 18.

The judge having delivered his opinion on the point argued yeſterday, 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 ſuperſcriptions were 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 are fixed from 9 till four. *William Eaton* was then called in for his examination.

Mr. Eaton enquired whether he might be permitted to have recurrence to his notes.

Chief Juſtice. Were they written by yourſelf?

Mr. Eaton. They were.

Mr. Wickham. At what time?

Mr. Eaton. At different times?

Mr. Burr. What is the nature of them?

A. They are nothing but memoranda taken from notes, which I made of the converſations between you and myſelf, at the times that 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 and ſome ſeverity have paſſed upon me. May I, in ſtating my evidence, be permitted to make ſome explanations about the motives of my own conduct?

Ch. 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 Blannerhaſſett's iſland, or any agency which A. Burr may be ſuppoſed to have had in them, I know nothing. But concerning col. B'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.

Ch. Jus. It is this—that any proof of intention formed before the act itſelf, if relevent to that act, may be admitted. One witneſs may prove the intention at one time—and another may prove it at another; ſo as to prove the continuance of the intention throughout the whole tranſaction; and therefore the proof of very remote intentions may be relevant 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 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 & 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 not been made acquainted with one within the U. S. 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 ſo honorable a call, as was propoſed to me. Under impreſſions like theſe, I did engage to embark in the enterprize, 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 inuendoes, 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 coaſts 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 here, that Col. Burr had good grounds of reaſon for ſuppoſing me diſaffected towards the government: I had indeed ſuffered much from 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 inglorious 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 negociator—when as yet no exertion had been made by our naval ſquadron to coerce that enemy. I had ſeen the conduct of the author of theſe blemiſhes on our 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 thoſe 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 indemnity; and as I had by this time began 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 motive 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 & 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 that 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 U. S. would act with him; that he 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 give me a diſtinguiſhed command in his army; I underſtood the ſecond command. I aſked him who would command in chief. He ſaid, General 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 as governor of a Province, he would not be apt to put at hazard for any precarious projects of aggrandizement—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 the wing of the legion of the U. States his acting brigade major and aid-de-camp; and that I knew him well. He aſked me, what I knew of Gen. W. I ſaid I knew Gen W would act as Lieut. 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 & communicated to me, had been concerted with Gen. W and would have his co-operation; col. B. repeated, 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 proſpects of plunder and military atchievements, 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 U. S. 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 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; & a Mr. Ephraim Kibby, who I learnt was late 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 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 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 & 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 ſhould 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 myſelf, 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 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. 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. S. 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 P.) that I thought col. B. 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 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 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 apprehenſons 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. B. 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 colonel 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 wave 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, tho' 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, 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 U. S. thro' the hands of the poſt-maſter gen. ſtating the views of col. B.

(*To be* CONTINUED.)

RUNAWAY NEGRO.

WAS committed to the jail of Waſhington county, Maryland, on the 12th inſt. as a runaway, a negro man who calls himſelf David Jones, alias Iſrael Davis, appears to be about 30 years of age, 5 feet 5 or 6 inches high; his clothing is a ſtriped Bennet's cord jacket, blue cloth pantaloons, cotton ſhirt, an old wool hat and ſhoes. Says he is a free man, that he was formerly a cook on board the frigate Cheſapeake, and that he lately lived in Alexandria and Georgetown. The owner (if a ſlave) is requeſted to come and releaſe him, otherwiſe he will be ſold for his jail fees, agreeable to law.

ISAAC S. WHITE, Sheriff.

Auguſt 19—w3t