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FIVE DOLLARS PER ANNUM, WEDNESDAY, OCTOBER 14, 1807. *PAID IN ADVANCE.*

CIRCUIT COURT OF THE UNITED STATES.

On the motion to commit Messrs. Burr, Blannerhassett, and Smith.

THURSDAY, SEPTEMBER 24.

(CONTINUED.)

Mr. Neal was then called into court and sworn. Mr. *Hay.* Will you state to the judge what you know of the publication in the Marietta Gazette, under the signature of Querist? A. About 1st Sept. Mr. Blannerhassett sent for me, and told me that he had something to copy about the division of the states; and that the Printer had met with some difficulty in understanding the writing of the first No. I copied the 2nd and 3rd No's. and carried them to Fairlamb, the printer at Marietta, and gave them to him. Q. Did you read the papers as they came out? A. Yes. Mr. Blannerhassett supplied me with the whole. Q. Did they correspond with the manuscript? A. Yes. The very same I think. The court accepted them, but on the suggestion of Mr. Hay, the reading was waved, and they were to be put into the possession of the Chief Justice.

At Mr. Hay's suggestion, all the witnesses who had been examined, were agreed to be discharged, except gen. Eaton. He declared that he did not "wish to go."

JOHN G. HENDERSON.

I rode with Mr. Blannerhassett and his wife to my brother's house, on the second Monday in September last.—When we got near to my brother's, Mr. Blannerhassett introduced the subject of the separation of the union. He stated, I think, that it was to be conducted under the auspices of col. Burr. He mentioned that there were many eminent characters in the Eastern and Western states concerned. He mentioned the names of general Eaton and Mr. John Graham, perhaps others at that time, I do not recollect. I do not believe that any thing more passed between us, til we arrived at my brother's. When we got to my brother's, we took some refreshment, (dinner). I was not much in company with Mr. Blannerhassett till dinner, and I do not know whether his conversation led to that subject or not. After dinner we walked into the meadow; my brother, Mr. Blannerhassett and myself. The subject was then renewed, under injunctions of secrecy which we agreed to observe. Mr. Blannerhassett observed that it was a subject of great importance. He stated that the object was the separation of the union; he mentioned characters who were concerned in it; observed that Col. Burr was at the head of it, or words to that effect. He spoke very much in praise of colonel Burr; mentioned an instance of his goodness of heart with respect to the Manhattan Company, and making the fortunes of many without benefitting himself. Gen. Eaton's and Mr. Graham's names were again mentioned as concerned, and a number of others, whom I do not recollect, that were acquainted with it; among the rest was Mr. Harper and Mr. Alston's name was mentioned, as being highly pleased with the scheme. In the course of conversation, Mr. Blannerhassett observed, that New Orleans would be seized. He mentioned that the park of French artillery at New Orleans, which Mr. Jefferson was too œconomical to purchase, was to be procured, whether seized or obtained in any other way, I do not recollect. He stated that the people in the lower country were displeased with the present government, on account of their interests not being protected or attended to. He seemed to apprehend no opposition in that quarter. He said the attempt would be made in less than nine months; that he himself had embarked in it. He observed, that it would be a favorable juncture for effecting the object, owing to a want of energy in the administration—I am not, however, certain, whether he or which of us made the observation: we all three concurred in it. I think Mr. Blannerhassett observed, that he hoped he should see my brother at the head of a regiment of horse, at some time, but I do not recollect. He seemed anxious for us to join. Some time in the course of conversation, the name of Mr. Granger was mentioned, I thought in a threatening style, as if he would have cause to repent his having made use of an expression for a time before published, importing that danger was threatening in the West. I do not know whether my brother was present during this observation. Mr. Blannerhassett said, that we must take an active part one way or the other, as we could not remain neutral. He mentioned an expression of colonel Burr's, respecting the people in the city, or the administration; that if they were any ways impertinent, he would tie them neck and heels, and throw them into the Potomac. Mr. *Hay.* Did I understand you to say that this was an expression as quoted from col. Burr? A. Yes. We desired Mr. Blannerhassett just before he left my brother's, not to consider us as committed; that it was a subject which required reflection; and that we must consult our friends on this side the mountain, who were interested in that country. I mentioned it to my father, under the same injunctions, on which I had received it from Mr. Blannerhasset. I recollect having asked Mr. Blannerhassett when he spoke of the leading characters of the union, whether John Randolph had been made acquainted with it. He answered no. Mr. *Wirt.* Why did you put that question? A. Because Mr. Blannerhassett had said, that the leading characters of the country were concerned. I asked Mr. Blannerhassett what kind of a government he would establish in the Western country. He said, that this was not yet determined; but that a more energetic one than the present, would be adopted. I asked Mr. B. also, if any foreign power was concerned. He assured me there was not.

Mr. *Hay.* You asked him what form of government was to be established? A. Yes. Q. Where did you suppose the seat of this energetic government was to be? A. He did not mention, but I supposed it was some central place. Mr. *M'Rae.* Did he mention the line of division? A. He did not particularly, but he said that the people in the South Branch would be in an awkward situation. Q. Did he mention the Alleghany? A. I do not recollect. Q. Did he mention any thing about commanding the passes of the Alleghany? A. Yes. He said, that with a few cannon and a few sharp shooters, he could defend any pass in the Alleghany. Q. Did he mention the Querist in your presence? A. He did. Q. What did he say of it? A. He read one number of it. The first words in it were "universal history every where teaches or informs," or some such expressions. Q. Do you remember what was the object of those pieces? A. I understood that it was to promote the separation of the union. Mr. *M'Rae.* Do you recollect any observations about Blannerhassett's property? A. think he estimated his property on the island at 50,000 dolls. and besides he had a small fund in Europe, which he said would be safe. He said they could not touch that. Mr. *M'Rae.* What did he mean by "they?" A. I do not know his allusion; but I suppose he meant the government. Mr. *Wirt.* Do you recollect any observation about the expence of supporting government? A. He said that we were contributing three or four millions to the present government, when 100,000 would be sufficient for a government of our own. *Witness.* I have omitted to state, that after my brother received his last letter from Mr. Blannerhassett, my brother and myself went down to inform him of our decided opposition to his plan. He and Mr. Alston were gone down the river, and we directed the overseer to inform Mrs. Blannerhassett of our intentions. There was a subsequent meeting of the people of Wood county on this subject, and resolutions were adopted in opposition to the scheme. And a month afterwards, the militia volunteered their services to suppress it. Shortly after I left that country for Dumfries.

Cross examined.—Mr. *Wickham.*—Was this conversation in earnest or jocular? A. Perfectly serious. Q. Did you hold any conversations with Mr. Blannerhassett before this, which led to it? Were you in the habit of expressing opinions adverse to the union? A. I never was opposed to the union. Q. Is it talked of in that country? A. It has been talked of as an event that would take place in half a century or a century. Q. Was your deposition ever taken? A. It never was. Q. At whose instance did the meeting of the people you spoke of take place? A. Several of us called it, and among the rest my brother and myself. Q. And they passed resolutions about this plan? A. They did. Q. How were they informed of this scheme? A. From reports in the county. Q. Did you communicate any information to this meeting? A. No—nor my brother; any thing but general observations. Q. What was the purport of these resolutions? A. Nothing but to prepare for the danger which was to be apprehended. One of the resolutions alluded particularly to col. Burr. Q. Was Mr. Blannerhassett's name ever mentioned? A. A proposition was made to insert Mr. Blannerhassett's name in one of the resolutions; but I opposed it. Q. Did you communicate on this subject with Mr. Graham? A. I had left the country at that time. Mr. *Martin.* What were your politics? A. They were federal, and are so still. Mr. *M'Rae.* What have you considered Mr. Blannerhassett's politics to be? A. Democratic. *Chief Justice.* Did you understand that this separation was to be effected by political means quietly or by force? A. I understood him to mean, that if the lower country was in their possession, it would bring the upper country along with it. Mr. *M'Rae.* And he conceived the lower country to be dissatisfied with the government? A. He did. Mr. *Wirt.* Did Mr. Blannerhassett state the manner in which this revolution was to be brought about? A. No—he did not. Q. Did the meeting in Wood county arise from any of Mr. Blannerhassett's declarations, or from the movements on the Ohio? A. I suspect the last. Mr. *Blannerhassett.* What movements? A. I did not myself use that word. I alluded to the building of the boats, and kiln-drying meal, &c.

Alexander Henderson again called in by the counsel for the accused.

Here, at Mr. *Wickham's* request, the counsel for the prosecution read the numbers of the Querist, from the Ohio Gazette. They consist of a short interlocutory essay, containing some strictures on "The Western World" and of three other numbers, whose decided object appears to have been to demonstrate to the western people the advantages that would result to them from a dissolution of the union, and their *constitutional right* to adopt this expedient. Every line of them breathes the air of a discontented, disaffected and revolutionary spirit. The reader must be satisfied with this general character of them. We re-published one or two of them during the last fall; and were they not even too voluminous for our paper, we could have no other possible motive for re-publishing them, than to shew that even *in such a country and under such a government* as our own, there are yet spirits wild and wanton enough to sigh for a revolution. But there are direct proofs of this discontented disposition. Pass we on therefore to such proofs:

Mr. *Wirt* to the court: "It is remarkable that col. Burr was at the island on the 1st of September, and the 1st No. of the Querist is dated on the 4th.

Mr. *John Henderson* returned to supply an omission in his evidence: that Blannerhasset informed him, that the officers of the army and navy were disgussed with the administration, and disposed to join. Mr. Blannerhassett also mentioned in the course of the day, that gen. Moreau was expected to reside near Pittsburg.

MR. JOHN GRAHAM.

In the latter end of October last, I received a letter from Mr. Madison, requesting that I would pass through the Western country, on my return to New Orleans—I know not whether it be proper to assign to the court the reasons of this wish. It may serve however to explain my conduct in the Western country—Mr. Madison stated to me, as a reason of this request, that government had received information from various quarters that a project was on foot to sever the Union or to invade the territory of Spain.

Mr. Wickham objected to this explanation.

Witness. It was to show that I had acted in obedience to my duty as an officer of the government.

Mr. Wickham. What office did you hold? A. I was secretary of the Orleans territory. When I arrived at Marietta, about the middle of November, I made enquiries and heard what it may not perhaps be proper to state—Mr. Duval called on me and informed that Mr. Blannerhassett had just arrived with him and would wait upon me. After passing the usual compliments and expressing his pleasure at seeing me, he begged leave to read to me certain letters which he had received by captain Elliot of the Western country, who had just returned from Pittsburg. Mr. Blannerhassett made many enquiries relative to comfort Tyler, Dean and Butler, and the preparations which they were making for their expedition down the river; what number of men and settlers they had obtained. Mr. Elliot gave him to understand that there would be more settlers than there would be boats for them. When Mr. Blannerhassett received this information, he observed that they could descend in his boats, as he had more boats than men. Before captain Elliot quitted the room, Mr. Blannerhassett handed me a letter, which he said he had received a few days before from col. Burr in Kentucky. Shall I state my recollection of the contents of that letter?

Mr. McRae. Do you believe the letter to have been col. Burr's? A. I believed it was col. Burr's writing; for though I had never seen col. Burr write, yet I had seen many letters said to be written by col. Burr. I merely mention this letter to show that it gave rise to a conversation between Mr. Blannerhassett and myself, relative to the contents of this letter. The conversation was somewhat desultory;—nor do I particularly recollect the order in which the several topics were introduced. In general I recollect, that Mr. Blannerhassett animadverted upon the conduct pursued towards col. Burr at Frankfort; stating however his belief that this conduct was not authorised by the government.—He mentioned that col. Burr had purchased from col. Lynch, I think, a certain part of the Baron Bastrop's grant in the territory of Orleans. He stated also that he was to have an interest in this purchase, and seemed desirous of impressing on my mind a belief, that the object of his preparations was the settlement of this land, but I cannot now recollect that in the course of conversation he did positively avow it.—His object seemed to be to avoid an explicit avowal—but he said, that they avowed that this was their object; that it was a legal one, and government would have no right to interfere, until it was ascertained, that they (meaning col. Burr and himself, as I undertood) had an ulterior object. He contended that they had a right to go towards this object with just such preparations as they thought proper. This was an opinion in which I did not acquiesce. I made a few enquiries; but he admitted in the course of conversation, that he was building boats for the expedition in which he was engaged with col. Burr—that he was engaging young men, single and without families to go down armed; he said they would have no cannon, but they would have rifles. He stated in the course of conversation, the use to which these rifles might be applied: to resist the Indians and Spaniards, or to kill game. It is justice to Mr. Blannerhassett to add, that he said, he did not solicit men to go; that he took such only as pleased to go; and that he did not expect more than 300 men would go with him. He stated also that he was engaging provisions for this same expedition. From what I had heard after my arrival at Marietta, and from the manner in which Mr. Blannerhassett entered my room and made these communications, I was rather induced to believe that he conceived me to be one of the party. Q. Why from his manner? A. My acquaintance with him before was slight—and yet he was extremely polite to me; and expressed how happy he would be at seeing me in his own house. For reasons which it is unnecessary to take up the time of the court with, I was anxious to undeceive Mr. Blannerhassett. I asked him, if he had stated that I was one of the party. He said that he had; and that he had understood so from col. Burr. When I assured him I was not, he expressed considerable surprise, not by verbal declarations but by the marked air of his countenance. He observed to me that I did not know col. Burr, and passed some eulogiums upon him—and asked me in a very impressive manner, whether I had not heard of an association in New Orleans for the invasion of Mexico. I told him, that I had not, and I ventured to assure him that there was no such association there. He told me, that there certainly was, and that about 300 men had signed to such an association, for the purpose of invading Mexico. After I had repeated my thorough conviction, that there was none such, and assigned the fact of his being deceived about me as a presumptive reason why he should be deceived about others, he told me that he had obtained this information from Mr. Bradford.

Considering Mr. Blannerhasset at that time as a deluded man, I endeavored to draw him off from the undertaking in which he was engaged; and considering that it was more the policy of the government to prevent than to punish such enterprizes on the Ohio, I informed him, that so far from being concerned in the plan, I was an agent of the government, authorised to enquire into the facts relative to this enterprize in the Western country, and to take such steps as might be necessary for repressing it. I then stated to him, from reasons drawn from Col. Burr's visit to New-Orleans in the preceding summer, from the information which government had received, and from the nature of the preparations which Mr. Bl. himself was then making, why I believed that the object of colonel B. was either to attack the territories of the U. S. or those of Spain. I assured him at the same time, that any collection or combination of armed men on the Ohio, would under these circumstances be considered as a violation of the laws and repressed accordingly. He again contended that they had a right to go down the river, as they thought proper, inasmuch as they avowed the settlement of the Ouachita which was a legal object. Though we could not agree on this point, he asked me whether there would be any objection or opposition made to these men, if they went down in small parties. I gave him to understand, that this would depend upon circumstances, but that when they were collected, they would be arrested, and the enterprise would end in the ruin and disgrace of all those who were concerned in it.

During this conversation, I stated to Mr. Bl. pointedly, that I knew not the opinions of Mr. Jefferson or Mr. Madison; that these were my own opinions; and that I had power to act, under the government of the U. S. as circumstances required; that I was authorised to call on the constituted authorities of the country, if the constitution was about to be violated. I wish the court to understand, that I was to consider the moving down the Ohio, as a violation of the law, and I was then to call on the constituted authority. When I spoke of the reasons which influenced my belief as to colonel B's plans, Mr. Blannerhasset observed to me, that however acute the opinions of gentlemen might be, he and col. Burr were as well acquainted with the constitution and the laws as the administration itself; and that they knew very well what they were about. Q. What produced this remark? A. I do not recollect, but perhaps it may have been the arguments which I had used to show that the expedition was a violation of the laws. Mr. Bl. said, that he had joined his friends in this undertaking and could not abandon them, unless they consented to give the thing up; and asked me, if he was at liberty to communicate to Col. Burr the information I had given him. I told him he was. I do not recollect, whether I have mentioned the opinion I expressed to Mr. Bl. of the validity of Bastrop's grant. I told him all that I knew of the title and that col. B. would have no title to it; and that if he had, the Orleans land could be no object with Mr. Blannerhasset.

Mr. *Wirt.* How came you, sir, informed about this title? A. I had been at New-Orleans, where the subject was much talked of. Q. Have there been any judicial proceedings about it? A. I told Mr. Bl. that Mr. Lynch claimed under Mr. E. Livingston; that this was a considerable purchase; and that Mr. Livingston had invalidated this contract in court.

Mr. *Burr.* I deny, that this is a fact.

The next day, perhaps that after-