# National Intelligencer.

## & WASHINGTON ADVERTISER.

VOL. VIII. | WASHINGTON CITY, PRINTED BY SAMUEL HARRISON SMITH, PENNSYLVANIA AVENUE. | NO. 1230.

*FIVE DOLLARS PER ANNUM,* | WEDNESDAY, AUGUST 31, 1808. | *PAID IN ADVANCE.*


## SENATE OF THE UNITED STATES.

*CASE OF JOHN SMITH.*

[*Mr. Harper's Speech continued.*]

As to the conversation stated by Elias Glover, I admit that if it did take place, it furnishes sufficient proof of a criminal participation by Mr. Smith, in the enterprizes of col. Burr, and sufficient ground for a vote of expulsion. We are therefore to shew that Glover's deposition, even when bolstered up by the furtive sculking affidavit of his confederate M'Farland, is entitled to no credit. This we undertake, and unless we do it in a satisfactory manner, I admit that we fail in our defence.

And first we rely upon his bad character generally. To prove it we trace him from Newtown, in Connecticut, the place of his birth and education, to Brookfield, and from thence to Delaware county, in the state of New York. Five witnesses at the first of these places, seven at the second, and twenty one at the last, many of them proved to be men of note and character where they live, and none of them proved or even stated to be otherwise, have deposed that Elias Glover is a man of general bad character. Several of them add that he is not entitled to belief on his oath. Now let me ask against what man of good character could so many of his neighbors and acquaintances be brought to give such testimony? The fact alone that so many men who knew him in the places where he has resided, consider him as a man of bad character, affords plenary proof that he is so. These witnesses do not depose to particular facts; but they speak of his general reputation, which they state to be a bad one. This testimony is by no means rebutted by the depositions produced on behalf of Glover. The deponents state that they never heard any thing against his character. This may be true, and yet his character a very bad one. But take these depositions in their most liberal construction, and what does the whole testimony amount to? Certainly to this, that one half of his neighbors consider him as a knave, and the other half admit admit that, for any thing which they know or have heard, he may be an honest man. Surely this is too equivocal a reputation, to entitle the ex parte deposition of its possessor to belief in a case of this nature!

It must further be remarked, Mr. President, that the bad opinion which these numerous witnesses express of Elias Glover's reputation, does not and cannot proceed from party feelings or political animosity; for the principal witnesses, and those who have spoken in the strongest terms, are proved to be of that political party, to which Glover has taken so much pains to prove that he belongs. They, as well as Glover and M'Farland, are proved to be most excellent republicans; and they have the advantage of being proved also to be men of good character.

If we pursue Elias Glover in his next and last emigration, to Cincinnati in the state of Ohio, we shall find that the bad character which he acquired in early life, attends him still in his riper years. Col. James Taylor, who was examined at the bar of the Senate, stated that there were two parties in Cincinnati, "one of whom spoke well of Elias Glover, and the other very unfavorably." These two parties are not the two political parties that divide our country. On the contrary, they both appear, with the exception of some very few individuals, to be composed of exceedingly good democratic republicans. What then were these two parties? One, I answer, was composed of that portion of the citizens of Cincinnati, who espoused the interests of Mr. Smith; and the other consisted of those who had united themselves with his persecutor Glover. The first speaks "very unfavorably" of Glover; and the last, as might be expected from his associates and co-adjutors, speak well of him.

And who, let me ask, belong to the party which speaks very ill of this man? It must be answered, gen. Gano, gen. Carberry, Mr. Burnett, Mr. Stone, Dr. Sellman, and a number of others, who have been proved to be men of the first respectability in that part of the country. Has any such favorable account been given of those who speak well of him? Far from it. We know but little of them, and that little is very little to their honor. Some of them, when called on by Mr. Smith to give evidence in this case, refused to be examined. Some of them are proved to have been connected with Glover, in the enterprize of Col. Burr. And M'Farland, the chief of the party, was extremely active and zealous in obtaining recruits for that enterprize. When he and Glover found that the enterprize had failed, they took refuge, as is customary, in outrageous patriotism; became the zealous hunters-up and denouncers of treason; and, to use the expression of Dr. Goforth in his deposition, attempted to lay the body of John Smith as a pedestal, whereon to rebuild their own fallen reputations. Such men as these no doubt speak well of Glover. Be it so. But while gen. Gano Doctor Sellman Mr. Burnett, and almost every other respectable man in the place, speaks very ill of him, I shall take the liberty of contending that "*cœlum non animum mutavit*;" that he has not changed his manners with his residence; and that he still merits and enjoys at Cincinnati, that opprobrious distinction to which the achievements of his early years gave him a title.

But, Mr. President, it is not on the general bad character of this man, however clearly established, that we solely rely, for destroying his credibility. I shall next proceed to shew, that he has been guilty of wilful and deliberate false-swearing, in no less than three instances.

Being interrogated before the grand jury at Chilicothe, whether he had ever written and offered for publication a piece ridiculing the measures adopted by government, for suppressing col. Burr's enterprize, he answered on his oath that he had not. He was perhaps not bound to answer, but he did answer, and answered in the negative. This is stated in the deposition of Ethan Stone, who was a member of the grand jury, and has been proved at your bar to be a man of very respectable character.

And yet two printers, Samuel L. Browne and D. L. Carney, connected with Glover in politics, expressly swear that he did bring such a piece to them for publication, and that they refused to admit it, because of its tendency to bring those measures of the government into derision and contempt.

Again, on being further interrogated by the grand jurors, he admitted that he did write such a piece, but that it was intended to ridicule the conduct of the officers, who had been appointed to carry the measures of government into execution, and not the measures themselves. Yet Mr. Burnett swears that Glover confessed to him, that he had written the piece for the express purpose of turning the measures of government into ridicule, and offered it to him for perusal.

Here could be no mistake. Either Glover or the other witnesses have sworn to a falsehood. When their characters are contrasted with his, there can be no hesitation where to fix it.

He also swore before the grand jury, that he had never corresponded with col. Burr. This question also he was not bound to answer; but to prevent suspicion he did answer it in the negative. So says general Gano. And yet George Russel, a man admitted to be respectable and intelligent, swears that in the fall of 1806 Glover gave him a letter, to be delivered to col. Burr, with directions to burn it if he did not see Burr. This proves that he did correspond with col. Burr, because the letter was deemed too important to be delivered by Russell to any but Col. Burr himself.

And this testimony is supported by that of captain Nichols, who states in his deposition that when he was descending the Ohio, in the command of one of col. Burr's boats, Glover came on board of the boat and advised him how to proceed with it, so as to elude the officers of government. And yet this is the man who accuses John Smith of participation in the views of Col. Burr! This is the jealous patriot, who swears that he communicated with col. Burr for no other purpose, but to discover his views and pervert them!

But the general bad character of Glover, and the deliberate falsehood on oath of which he has been proved guilty, are not all that we have to oppose to his testimony against our client. That testimony has been positively contradicted, by his friend and confederate M'Farland. Glover introduces his account of Mr. Smith's conversation with him about colonel Burr's plans and views, by stating that it took place in the presence of a friend, who accompanied him to Smith's house. It is fully proved that M'Farland was this friend. M'Farland therefore must have heard the conversation, if it ever took place, and he must have remembered it too; for it is impossible to believe that a conversation so interesting, so remarkable, from such a man as Mr. Smith, and on a subject which then so greatly agitated men's minds, could pass in the presence of any man, without laying strong hold on his attention, and sinking deep into his memory.

Let us then hear M'Farland, on the subject of this remarkable conversation, in which Mr. Smith developed the real and treasonable character of col. Burr's enterprise, and confessed his own participation.

We first find him conversing with Gen. Gano, to whom, long after this conversation between him Smith and Glover is stated to have taken place, he declared that he was wholly ignorant of Burr's plans; which could not have been the case, had he heard such a conversation as Glover relates. He also stated to Gen. Gano, at the same time, that Glover's statement on this subject was incorrect; and he told another witness, Mr. Longworth, that he knew nothing of col. Burr's plans, or against Mr. Smith; which he could not have said with truth, had such a conversation as Glover relates taken place in his presence.

But all this, it may perhaps be said, is mere conversation; and a man, when not on oath, may easily be supposed to deny a fact, when it tends to implicate himself in guilt.

Let us then hear M'Farland on oath. When examined at Richmond, on the trial of col. Burr, though sworn to tell the whole truth, he says not one word of this most remarkable and important conversation. And lately, before the grand jury at Chillicothe, when interrogated as to this very point, he declared that he knew nothing of the matter: that he had some faint recollection of a conversation between Mr. Smith and Glover, on the subject of col. Burr's enterprise, but could recal to his mind none of the particulars. This fact, and also the admission of Glover and M'Farland that M'Farland was the friend stated by Glover to have been present at this conversation, are proved by Ethan Stone General Gano and John Armstrong, three members of the grand jury, in their joint deposition of Feb. 20th 1808.

Now, Mr. President, let me ask, whether any man can believe that such a conversation took place, in the presence and hearing of M'Farland, that such confessions and disclosures on this most interesting subject were made by Mr. Smith, and that M'Farland had lost all recollection of them, when examined before the grand jury, in January last? I answer that it is impossible; and that M'Farland's testimony, therefore, amounts to a flat contradiction of Glover's on this point.

And let it be remembered that when Mr. Smith, under the order of the Senate to take testimony for his defence, summoned this same M'Farland to give evidence on these points, and put questions to him for the purpose of obtaining a full explanation, he positively refused to answer. I hold in my hand the summons, the proof of its service, the questions of Mr. Smith, and the magistrate's certificate of M'Farland's refusal. This wretch, who now appears among the accusers of John Smith, when called upon to meet his intended victim face to face, and undergo the scrutiny of a public examination, shrunk like a villain and a coward from the investigation. Eager to destroy Smith, but not yet prepared to meet the terrors of direct perjury, his mind maintained a short and faint struggle, between the desire of gratifying his malice, and some remaining sense of shame; but it was short and faint indeed. For within a few days his malice triumphed, and he made an exparte clandestine deposition, not only without notice to Mr. Smith, but carefully concealed from his knowledge, in which in the teeth of all his former declarations and oaths, he declares that Glover's statement is correct. And this deposition conceived in malice and brought forth in perjury, is sent forward to this bar, to bolster up the accusation against our honorable client! What words can describe the mingled emotions of indignation and disgust, which such hardened profligacy, fortunately but seldom exemplified, must excite in every virtuous mind!

I here dismiss M'Farland, but I have not yet done with his confederate Glover; whose testimony against my client is further contradicted by Matthew Nimmo, another of the actors in this black tragedy.

I hold in my hand an extract from Nimmo's communication to the President, bearing date Nov. 23th 1806. This extract, which was furnished by Nimmo, and is proved to be in his hand writing, contains some information relative to Mr. Smith's connection with Col. Burr, which, as it states, "was communicated by Col. Burr in a confidential manner, to the person from whom Nimmo received them."

The person from whom Nimmo received these communications, was no other than Elias Glover. This is manifest from Glover's deposition, made not long afterwards, viz. on the 2d of February 1807, before this same Matthew Nimmo. Now it will be found on a comparison that Nimmo's statement to the President, founded on Glover's communication, contradicts Glover's deposition in two or three essential points. In the communication to Nimmo he alledges, that he received his information, in a confidential manner from Col. Burr himself. In his deposition he swears, that he derived it from the conversation of Smith, held in the presence of M'Farland. In the statement to Nimmo he says that Mr. Smith had lately sent down the river considerable shipments, for the use of Col. Burr. But in his deposition this most important fact is omitted. In the statement to Nimmo it is said that "next week two of his (Smith's) sons descend the Ohio to join Burr's troops, and Mr. Smith follows shortly after." In the deposition Mr. Smith is made to "express his regret that his engagements were such that he could not go immediately himself, which he would do if the situation of his affairs would permit."

Strong as these contradictions are, we have still stronger behind. We have seen Glover's deposition contradicted by M'Farland and Nimmo, two of his friends and confederates. We now introduce Glover himself contradicting his own deposition.

Let it be kept in mind that the conversation stated in Glover's deposition, took place in September 1806. He swears that in that conversation Mr. Smith opened the criminal views of Burr, and his own participation. Now hear what he said in February following on this subject, to Mr. Longworth, one of those respectable witnesses whose testimony we have adduced.

Mr. Longworth, in a deposition made in the presence of Glover, who attended and cross-examined, after stating the substance of a conversation between Glover and himself, relative to Mr. Smith, in February 1807, proceeds thus, "and to the best of his this deponent's recollection, he the said Glover then declared in express terms, that he believed Mr. Smith unjustly accused, and that he was not concerned with Burr in his expedition." Contrast this with the deposition of this same Glover, made February 2d, 1807, a little while before the conversation with Longworth, for the purpose of criminating Smith, as an associate of Burr.

And James M. Lanier, another of the witnesses, tells us in his deposition, that in April 1807, Glover when charged by Smith with having given information against him, at first denied the fact; and afterwards, when more closely pressed, confessed that he had given information, but declared that it was nothing of any moment, or capable of operating to the disadvantage of Smith, towards whom he expressed a friendly disposition. And yet he had then made the deposition, which is now relied on for producing the disgrace and ruin of Mr. Smith! Can it be possible that a tribunal composed of men of honorable feelings, will listen for a moment to the testimony of a wretch, who thus fabricates in the dark an instrument of destruction; smooths his face to the smile of friendship, while he is preparing the mortal stab; and solemnly denies his hellish machinations; in order to lull his victim into a fatal security!

The falsehood of this accusation, independently of the direct proof of it which we offer, is rendered in the highest degree probable, by the extreme enmity which Glover is proved to have borne towards Smith, and the active endeavors which he had used to injure him. Gen. Gano informs us in his first deposition, that as early as July 4th 1806, Glover had abused Smith most virulently in a public Oration. Francis Donlevy states in his deposition, that in August 1806 Glover displayed "very great animosity" against Mr. Smith. And col. Taylor in his testimony at this bar, informed us that Glover was "extremely active" in the measures attempted for the injury of Mr. Smith, by a pary in Cincinnati, in the autumn of 1806. Dr. Sellman Stephen McFarland George Jordan and John H. Stall furnish us in their depositions with a detail of those measures, in which Glover was extremely active. Let us hear what they were.

A meeting of the citizens of Cincinnati was called, for some public purpose, and was very numerously attended. Some resolutions were passed by a very large majority. There is a small but noisy party in Cincinnati, calling itself "The Republican Society." Some of its members attended, and offered resolutions tending to criminate or vilify John Smith. They were indignantly rejected, by a large majority. These zealous republicans, finding themselves out-voted, and being determined, as is usual, not to submit to the majority, when against them, resolved to make sure of their mark, by calling clandestinely another meeting, to which none but such as were selected by them for the purpose, and furnished with tickets, should be admitted. The meeting was accordingly held the next evening, in the upper room of a tavern, and an attempt appears to have been made to pass the resolutions which the full meeting had rejected, and which would, no doubt, have then been palmed upon the public, as the sense of the "people of Cincinnati:" for republicans love to speak in the name of the people. But the people, in this instance, chose to speak for themselves. They burst open the doors of the conclave, and defeated the scheme. But the most zealous of the patriots were not to be so repulsed. A few of them, and among the rest the President and Mr Secretary Glover, made their escape, met in private, and actually passed their resolutions, which they forthwith published: taking care, at the same time, to suppress the resolutions which had been adopted at the full and public meeting, and of which Glover, as Secretary of the meeting, had possessed himself.

Is it difficult to believe, indeed is it not highly probable, that a man of Glover's principles and character, who has gone such lengths as these to injure a person against whom he had conceived a resentment, would stop at a false oath, if likely to effect his purpose? And ought not testimony given under such circumstances, to be viewed with the utmost distrust?

Furthermore, can any thing be more improbable than that Smith should make such a communication to Glover? To Glover his enemy, his public traducer; who in July had abused him in a public speech; and in August had displayed "very great animosity" against him? What motive for such a choice of a confidant, in an affair on which his character his fortune and even his life might depend! How does it happen that a man of John Smith's understanding and prudence, passed over the long list of his respectable and tried friends at Cincinnati, and fixt upon Elias Glover, to whom alone to confide the most important secret of his life? A man with whom he had long been on very ill terms; of whom, as Mr. Isaac Burnett informs us in his deposition, he had long been in the habit of thinking and speaking very ill, and whom, according to the same gentleman, he was much surprised at seeing in his house? All this, it must be allowed, is passing strange; and it will certainly require more than the oath of Elias Glover, to make us believe it.

Again! Why make this grave did-