NATIONAL INTELLIGENCER,

AND

WASHINGTON ADVERTISER.

VOL. VII. WASHINGTON CITY, PRINTED BY SAMUEL HARRISON SMITH, PENNSYLVANIA AVENUE. No. 1000.

FIVE DOLLARS PER ANNUM. FRIDAY, MARCH 13, 1807. PAID IN ADVANCE.

FROM THE AMERICAN.

The subjoined documents ought to have followed, immediately, the letter from New-Orleans, published yesterday; room, however, would not permit. They will not, it is presumed, from this circumstance lose any of the attention to which they are entitled.

New-Orleans, Dec. 23, 1806.

DEAR SIR,

IT is a disagreeable task to be under the necessity of relating in public, the substance of private conversations. What passed between Mr. Alexander & me mentioned confidentially to the Governor but since he has imparted it to you, I have only to request, that my name may not be mentioned in the affair further than you propose in the note which I have just had the honor to receive from you. I have, however but little to relate, and that little probably not so important as you expect.

Mr. Alexander, in a conversation I had with him shortly after his return to this country, endeavored to persuade me that the western states derived no advantage from the union, and would be materially benefited by a separation. A warm argument ensued between us—but I at that time thought he was arguing merely for sake of conversation, a practice not unusual with him.

After the arrest of Bollman, Mr Alexander and I frequently conversed on the subject. I told him that the interest he took in Mr. Burr's fate would render him suspected. He told me he should esteem it an honor to be so arrested. I have been told that he made use of the same expressions publicly at the coffee-house, but I was not present.

I have the honor to be,
Dear Sir,
Your's very respectfully,
(Signed) L. KERR.

His Excellency Gen. Wilkinson.

DEPOSITION OF
HOOKE AND DAVIDSON.

The undersigned, on their solemn oaths declare that in a conversation with James Alexander, esq. about the beginning of the present month, at the house of A. L. Duncan, esq. on the subject of col. Burr's expected expedition to this territory, he expressed in general terms, a disaffection to the government of the United States—& declared, that although he was a citizen of those states, he was in politics and patriotism an Englishman—that as to the expedition of Burr against Louisiana and Mexico, he was confident it would succeed, should the attempt be made, as the contest was to be between Wilkinson and Burr, men between whose military talents there was no comparison, and significantly enquiring at the same time, if the General had confidence in his officers—that at the head of *one thousand men*, Burr, in his opinion would be able, in defiance of all the opposition that could be made against him, to take possession of this place, and command all the resources of the country, which would enable him to accomplish his object in Mexico—that when opposed in those opinions the said Alexander endeavored to support them by argument, and discovered so much zeal and passion, that politeness and delicacy to the gentleman at whose table we were guests, obliged us to change the conversation——that from the whole tenor of Mr. Alexander's conversation on this occasion, and particularly his zealous vindication of the political and military character of col Burr, the undersigned were impressed with the belief that he was accessary to, or concerned in the plot.

(Signed)
M. HOOKE.
B. DAVIDSON.

New-Orleans Dec. 23, 1806.

Signed and sworn to the 24th December, 1806, before me, a Justice of the peace of this county.

(Signed)
JAMES CARRICK.

JOHN NICHOLSON'S DEPOSITION.

I, John Nicholson, of the city of New-Orleans, do depose and say, that about the beginning of the present month, in conversation with James Alexander he asked what I thought of Burr's intention to conquer this place, and if I should not like to take a jaunt to Mexico. I answered that Burr was a traitor, and wished he might share the fate he deserved. He then asked if I would be surprised to hear General Wilkinson order his army to salute col Burr as their commander in chief. On my answering that it was impossible that the general could be the associate of so great a traitor, he concluded by asking if I would receive a commission under col. Burr—I answered in the negative, and the conversation ended.

(Signed)
JOHN NICHOLSON.
Dec. 26, 1806.
Sworn before me.
(Signed)
ELIPHALET FITCH.
Justice of Peace.

Valuable Property for Sale.

IN pursuance of an order of Washington county court, will be offered at public sale on the premises, on the 16th of March next, the real estate of Richard Cromwell, esq. late of said county, deceased, unless disposed of at private sale in the mean time.

THIS Valuable tract of Land lies on Conococheague creek, about 7 miles from Hagers town, contains upwards of 1300 acres, and is at present occupied in four plantations.

Number 1, The late residence of the said Richard Cromwell, deceased, contains about 450 acres; it has the advantage of a fine stream of water running through it, on which there is a SAW-MILL erected—the soil is productive, and there is 50 or 60 acres in meadow, and 150 acres or upwards still in timber. The improvements and other advantages of this farm are superior to most in the neighborhood, and for a stock farm it is surpassed by none in the county.

Number 2, at present in the occupation of Oliver Cromwell, and divided from the former by Conococheague creek, contains 340 or 350 acres—the soil is productive, the improvements neat and comfortable, and there is from 130 to 150 acres of it still in woods which is covered with timber of a very superior quality.

Number 3, adjoining the first mentioned tract, at present in the occupation of Richard Cromwell, contains 250 acres or upwards, the soil is rich and productive, it is well timbered and possesses the advantage of a never failing stream of water running through it, on which there is an excellent MILL-SEAT, adjoining the public road from Mercersburg to Williamsport, 8 or 9 miles from the latter place—the improvements are a Dwelling house and Stables.

Number 4, containing 250 acres or upwards—the improvements are a good comfortable Log house and barn—there is about one hundred acres in cultivation, including 12 or 15 acres of good timothy meadow - the remainder is covered with fine thriving timber—this tract adjoins the first mentioned plantation, and is all good farming land—also, one undivided half of about 80 acres of timber land, lying on both sides of Conococheague creek, and adjoining the last mentioned tract; the greater part is creek bottom, is well timbered and embraces a good site for a mill on Conococheague. There is a good spring of water on each of the above plantations. The whole will be sold together or in separate plantations, as may be most suitable to those wishing to purchase. The terms will be, one third of the purchase money to be paid on the first day of April next, at which time possession may be had, and the balance to be paid in six equal annual payments. Any person wishing to purchase at private sale, may make application to any of the commissioners, or to Messrs. Oliver and Richard Cromwell, who will show the lands to any person inclining to purchase.

WALTER BOYD,
MARTIN KERSHNER,
HENRY ANKONY,
JOSIAH PRICE, } Com'rs.

Washington county, Feb 21—w4t

To Rent,

AND possession given on the 19th November next, the Two story Brick Dwelling House on the corner of F and 11th streets, at present occupied by Mr. Andrew Way. Also 2 two story brick dwelling houses in a central situation, of which possession may be had immediately. For terms apply to

THOS. HERTY.

Oct 17—3t &wtf

FRESH GARDEN SEEDS, &c

THEOPHILUS HOLT respectfully informs his friends and the public that he has an extensive assortment of Fresh Garden and Flower seeds, Grass seeds, Garden tools &c. for sale at his Nursery Garden Eastern Branch.

Washington city, Jan. 2—w3m

Orphans Court of Prince George's County, October Term, 1806.

On application of Isabella Wood and Osborn Belt, junior, administrators of Elijah Wood, late of Prince George's county, in the state of Maryland, deceased, to this court, to make distribution of the assets in their hands, among the heirs and legal representatives of the said Elijah Wood, and it appearing to this court that some of the representatives of the said deceased, to wit: Leshly Wood, Eleanor Swaine and Robert Wood, reside out of the state of Maryland. It is thereupon ordered that this court will proceed on the second Tuesday in April next, to make distribution of the assets in the hands of the said Isabella Wood and Osborn Belt, junior, provided a copy of this order be inserted in the National Intelligencer once a week, until the first day of April next.

Test. TRUEMAN TYLER,
Register of Wills for Prince George's county.
December 8—wtA19,

(By Authority.)

AN ACT

Making further appropriations for fortifying the ports and harbors of the United States.

BE *it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a sum of money not exceeding one hundred and fifty thousand dollars, in addition to the sums heretofore appropriated, be, and the same is hereby appropriated, to enable the President of the United States to cause the ports and harbors of the United States to be better fortified and protected.

SEC. 2. *And be it further enacted*, That the money appropriated by this act, shall be paid out of any money in the Treasury of the United States, not otherwise appropriated.

NATHL. MACON,
Speaker of the House of Representatives.
S. SMITH,
President of the Senate, pro tempore.
March 3, 1807.
APPROVED,
TH: JEFFERSON.

AN ACT

For the relief of John Chester.

BE *it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That on the settlement of the accounts of John Chester, former supervisor of the internal revenues and direct tax, for the district of Connecticut, there be passed to his credit, the sum of three hundred seventeen dollars, and ninety cents, being the amount of the direct tax, assessed and collected in the state of Connecticut, beyond the quota of said state: *Provided* the said state assent thereto. And also the further sum of two hundred thirty three dollars and thirty four cents, for the contingent expenses of the office, in addition to the provision heretofore made by law.

NATHL. MACON,
Speaker of the House of Representatives.
GEO: CLINTON,
Vice-President of the United States, and President of the Senate.
March 3, 1807.
APPROVED,
TH: JEFFERSON.

AN ACT

Authorising the employment of the land and naval forces of the United States in cases of insurrections.

BE *it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That in all cases of insurrection, or obstruction to the laws, either of the United States, or of any individual state or territory, where it is lawful for the President of the United States to call forth the militia for the purpose of suppressing such insurrection, or of causing the laws to be duly executed, it shall be lawful for him to employ, for the same purposes, such part of the land or naval force of the United States, as shall be judged necessary, having first observed all the pre-requisites of the law in that respect.

NATHL. MACON,
Speaker of the House of Representatives.
S. SMITH,
President of the Senate, pro tempore.
March 3, 1807.
APPROVED,
TH: JEFFERSON.

CONGRESS.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, FEB. 18.

Debate on the resolution offered by Mr. Broom to make further provision by law to secure the privilege of the writ of Habeas Corpus to persons in custody under or by colour of the authority of the United States.

(CONTINUED.)

MR. BIDWELL observed that on a motion to refer this resolution to a committee of the whole, he thought it unnecessary to discuss the merits of the subject at large; since the very object of the commitment was to afford a full and fair opportunity for such a discussion, and for any specific proposition, which the mover might think proper to submit. He was in favor of the proposed commitment, but on very different grounds from some of those which had been urged. Whether the conduct of the commander of our army, in arresting certain persons who attempted to corrupt him and seduce the army, to join in a conspiracy against their country, was to be condemned or not, was a question not suitable to be acted on at the present time, and under existing circumstances. If the House were the proper tribunal to decide that point, this was not the proper mode of deciding it, nor the proper time for the decision. No one would deny that the commander of an army or of a post might be so circumstanced, that it would be his duty to make a seizure of suspected persons, or perhaps do other acts not provided for by any law. In such a case he must act under a high responsibility, and throw himself upon the justice of his country. On this ground Gen. Wilkinson had professed to act. If his professions should be justified by the real state of facts, he would be entitled to a favorable consideration. But at present it was unseasonable for the legislature to express any opinion or take any measure. He regretted, therefore, that the gentleman from Delaware, (Mr. Broom) had resorted to this transaction in support of his motion. On general principles, Mr. B. added, he was willing to go into a committee of the whole on the subject. The importance of the privilege of Habeas Corpus was acknowledged by all. The constitution, by restricting the legislature from suspending it, except when in cases of invasion or rebellion, the public safety may require a suspension, has recognised it as a writ of right, and our statutes had authorised certain courts & magistrates to grant it. It had been, indeed, in some respects doubtful where the authority to issue such writs was lodged. Whether, for instance, the Supreme Court, a circuit court, or the justices of the Supreme Court, out of their appropriate circuits, had that authority, were questions, on which, not only professional men, but judges themselves, had differed in opinion. Some improvements perhaps might be suggested. Although he lamented that the gentleman from Delaware had moved the subject at the present time, while some of the questions involved in it were under the consideration of the judiciary and that he had referred, in his argument, to the late transactions at New Orleans, of which we have not sufficient information to form a satisfactory judgment, yet, he would consent to refer the resolution to a committee of the whole for the purpose of considering such propositions, as that gentleman might offer for the amendment of the law.

MR. EARLY—Mr. Speaker, I feel very much at a loss to discover the correctness of the conclusions drawn by the two gentlemen from Virginia (Mr. Eppes and Mr. Burwell) from the reasoning which they have used. My views of this subject are in part the same with theirs; but those views will lead me to give a vote directly the reverse of that which they intend.

The motion to refer the resolution under consideration is objectionable with me, because of the time at which it is made. The resolution itself was laid upon the table upwards of a week ago—indeed ten days ago. And now when there is left but a very short space of the session, and the House is extremely pressed with other business highly necessary to be done, the resolution is called up, and a motion made to refer it to the Committee of the Whole. No gentleman can believe that the subject can be matured and a law passed this session. Indeed, sir, it does not appear that the honorable mover himself intended that any thing definitive should be done. On the contrary, from the course he has thought proper to pursue, it would appear every how probable that even his own wishes were otherwise. It would appear, sir, that he had intended from the beginning to use the occasion as an instrument by which an impression should be made upon the public mind unfavorable to some recent transactions at New Orleans. Indeed the gentleman has come out and openly given to the subject *that direction*.—And this circumstance forms with me another objection to the motion for a reference. Hang up the subject until the next session, and what must be the conclusion in the public mind? The answer is irresistible—that this House entertain the idea that the privilege of the writ of Habeas Corpus has been unnecessarily infracted. What follows? That the recent transactions at New Orleans were not demanded by an imperious necessity, and of course ought to receive the indignant frowns of the nation. The agent in those transactions too, must in the mean time be consigned over to public odium. Now, sir, I take this occasion to declare my most decided hostility to such a procedure. I will never consent to a measure calculated to give an unfriendly direction to the public mind, when we ourselves are without that information necessary to give a direction to our own. I will never consent to deliver up a highly responsible public functionary to the torture, before that functionary can have an opportunity to be heard in his own justification. In my opinion, Mr. Speaker, it depends upon events yet to be developed, whether the commander of the American army has deserved execration, or merited applause. It may turn out that his conduct is without excuse, and it may turn out that it has been highly meritorious. He may have acted a part, for which he should suffer condign punishment, and he may have acted a part for which his memory would be entitled to a statue of gold.

There is with me another objection to the reference. The motion, timed as it is, and accompanied by the speech we have this day heard from the honorable mover, has a suspicious aspect and influence upon certain judicial procedures, depending at the present moment within the walls of this building. Is this House willing to suffer such manouvres to take their proposed course, and to produce their wished for effect? Are they prepared to interpose the weight of their influence *to ward off the infliction of punishment upon traitors, by passing sentence of condemnation on those acts which have produced their arrest and confinement?* But it is not now alone that this pernicious tendency of the resolution is to be felt. Actions for damages are no doubt to be brought against the commander in chief. Whether the damages which may be recovered, ought or ought not to be made good to him by the government, must depend upon circumstances yet to be developed. That he has violated both law and constitution, is not denied. But whether there existed that imperious necessity for such violation, which alone can justify it, and give him a claim upon the government for the damages to which he may be subjected in consequence thereof, can only be determined upon a full view of all the circumstances. Here then presents itself another strong objection to the resolution. Its tendency is to procure *now* that expression of opinion by the national legislature, in relation to the events at New Orleans, which will, which must, raise a powerful obstacle *hereafter*, against a remuneration of any damages that may be recovered against the commander in chief. To this I will not consent—against it I hold up my hands, and enter my most solemn protest.—There is still a further objection—the tendency of the resolution, if adopted by the House, will be to influence the *amount* of damages which may be assessed. Yes, sir, it will be viewed as the expression of an opinion on the part of Congress as to the demerits of the act for which damages are claimed.—The effect upon the minds of a jury is even more to be dreaded than that upon the opinion of the judges. Who is there that cannot perceive its force? Who that must not deprecate its effect?—If it should be observed that the resolution *itself* cannot be open to all the objections now urged against it, let it be recollected that the honorable mover has taken special care to give to it a direction, and accompany it by circumstances which must ensure to it the operation complained of. In ordinary cases there can most certainly be no objection against an enquiry after defects in any branch of law, with a view to the application of some remedy. But such is not, as I apprehend, the state of the present question. Admit for argument's sake that a defect does exist in the present provisions for securing the Habeas Corpus privilege—can an adequate remedy be *now* applied? It cannot—we know it cannot.

But, Mr. Speaker, where is the proof that the provisions now in force are not sufficient for the security of the person? Have you any evidence to this effect? If you have, I am ignorant of it. Are not the courts of justice open? Let the persons injured resort thither. Let their complaints be laid before an American jury. Will not an adequate redress be had there? Are the people of the U. S. too insensible of the value of the privilege of the Habeas Corpus to award damages proportionate to the injury sustained by its infraction? Or is it that gentlemen suspect, that the individuals who have been arrested were engaged in a plot so diabolical that a jury would upon a view of the whole ground assess damages too inconsiderable to comport with their wishes? Is it for this reason that the American Congress are asked to prejudge the case, and to throw their weight into the scale against an officer who from every thing that yet appears has acted from motives of the purest patriotism. The part he had to perform was one of the most arduous ever assigned to the lot of man. Entrusted with the defence of an important and extremely remote point, where all was to be done before instructions could be received from his government; every measure was to be taken by his own judgment and upon his own responsibility. His chance of information as to the extent of the danger was extremely limited, and so far as facts have come to light, he had powerful reasons for believing that the conspiracy was deeply laid—that it had diffused itself extensively in the very bosom of the country against which it was directed—and that it would be supported by a military force far more numerous than any he had at command.

Under such circumstances, Mr. Speaker, I repeat my decided hostility both to the resolution and the motion for its reference. And I again repeat, let the parties complaining to have been injured, resort to the proper sources for redress—let them go to the courts of Justice. Here are the constitutional organs for determining how far the existing legal and constitutional provisions can administer redress. When these are in the constitutional mode found deficient, it will then be time sufficient to apply the proper remedy.

(TO BE CONTINUED.)