the case in England and her dependencies? Certainly that island is not equally extensive with the U. S. but her subjects may at all events be scattered over the world. Why then is there no precedent in that country? Is it not possible that a man might happen to be as far from the court of king's bench as General Wilkinson is from this court? And yet there is no precedent to justify this motion.

What is the crime? Is it of so little importance that this court, upon this production of every little affidavit should consent to hear new motions for a commitment? This crime is treason; it is "a levying of war" against the U. S. And where is the proof of it? Where was col. B's. forces? Was his army, like that of Bayes's, kept in disguise? Wilkinson's testimony cannot establish this fact; for it is the opinion of the Chief Justice that his affidavit does not at all bear upon this subject? and yet two months have since elapsed, and no testimony has been collected. Wilkinson's deposition contains an improbable, mysterious tale, about a key and cypher: Mr. W. said that would not at present expose this transaction; but does this mysterious tale constitute treason? "You, sir, have already decided that there is no treason, in Wilkinson's deposition; but were the man himself in court, what could he establish further than his deposition can do?

Mr. Hay is satisfied, that he has sufficient evidence to convict col. Burr. No man doubts his ability, or his inclination to discharge his duty. Why then does he not lay his indictments before the jury? Because there happens to be a man in New Orleans, and one perhaps in the East Indies; and therefore "to make assurance doubly sure," he must wait for their appearance. And all this too, whilst the gentleman, most seriously protests against oppression and delay. Though the gentleman may not be conscious of such a sentiment; there must still be something like it in his heart; But whatever may be the motive, the result to ourselves is the same. It produces delay, and all its consequent oppressions.—No court should sanction this proceeding. This case is like that of a man whose cause stands for trial. When Subpoenas after Subpoenas have been issued; when sums after sums have been expended; he moves for a continuation of his suit. At the very same time he insists upon the sufficiency of his evidence. Surely the court would rule him to trial.

Why is not the attorney for the U. S. ready for trial? He has indeed made a computation of time to show that Wilkinson could not have been here before this period; and he has besides introduced an affidavit to show that an express was on his way to Orleans to give him an early summons. There is, however, nothing in proof that the drawer of this affidavit was not imposed on by this express; or that the express himself was not mistaken as to the contents of his dispatches. And how stands the computation as to time? The post goes from Washington to N. Orleans in 17 days. Mr. Rodney left this city in the last of March. The express must therefore have reached New Orleans about the 20th of April; and yet where is Wilkinson? Though the Mississippi runs down to New Orleans, and opposes a strong current to those who ascend it, yet it is surely a reasonable proposition that on land it requires no longer time to come than to go. And yet General Wilkinson is not here!

Mr. Hay says it is of no consequence whether the grand jury is present or not—But is this consonant with the sound principles of law? Is it constitutional, sir, where there is a particular body set apart for the investigation of facts, for the court to step in and rudely take this power from them? He says that perhaps he shall not send up his bills before the present grand jury. But I trust in God, sir, that this determination will be overruled by the court; and that if this prosecution is ever to be closed, we may see the curtain drop upon it now and forever! If, sir, the prosecution obtains a posponement of trial and for want of evidence, on their part, we might properly contend that colonel Burr, if bound to bail at all, should be held in a smaller recognizance than at present. But we shall wave this right. It is not our wish to discharge the grand jury but to set this question at rest forever.

We have said, that we were ready for trial. We are so, sir, in fact as well as in the abstract. The prosecutors say, that we do not believe *them* to be ready. But how the gentleman can suppose that we mean to pay so poor a compliment to their veracity, as to believe that he acts upon his own facts as if he himself did not believe them to be true?

The gentleman, sir, has warmly eulogised the present administration. As a private citizen, sir, no man has less to say with the politics of this country than myself. *That* gentleman has drawn a picture of our national prosperity: and I am happy to hope that it is true to the life in every thing, one feature only excepted. What, however, will he say of the persecution of my client? Sir, let that gentleman draw the most animated pictures of our happiness which his imagination can supply; let them be howsoever cheering, or howsoever just, it will be but little alleviation to the wounds of my persecuted client, that he is the only man in the nation whose rights are not secure from violation.

Mr. Burr then rose and addressed the court to the following effect:

I am not, I hope, sir, wasting the time of the court upon the present occasion. The motion proposed is admitted on all hands to be important; and it is certainly a new one. Perhaps it was to have been expected, that on a point so novel, some precedents would have been produced; but in this expectation we have been disappointed. Its novelty will, however, be productive of another effect. It will still better qualify it for making another small feature in a picture of oppressions and grievances, which have never been parallelled in the records of criminal law.

The case is this: no man denies the authority of the court to commit for a crime, but no commitment ought to be made except on probable cause. This authority is necessary; because policy requires that there should be some power to bind an accused individual for his personal appearance, until there shall have been sufficient time to obtain witnesses for his trial. But this power ought to be controuled as much as possible.

The question in the present case is whether there is probable cause of guilt; and whether time ought to be allowed to collect testimony against me. This time ought generally to be limited; but there is no precise standard on the subject; and much is of course left to the sound discretion of the court. Two months ago, however, you declared that there had been time enough to collect the evidence necessary to commit on probable cause; and surely if this argument was good *then*, it is still better *now*.

As soon as a prosecutor has notice of a crime he generally looks out for witnesses. It is his object to obtain probable cause for committing the accused. Five months ago, a high authority declared that there was a crime, that I was at the head of it: and it mentioned the very place too where the crime was in a state of preparation. The principle witness against me is said to be Mr. Wilkinson. Now from what period is the time to be computed? If from the time I was suspected five months: if from the time when I was seized, 3 months; or is it to be only computed from the time when I was committed? so that it is near 40 days since the notice must have arrived at New-Orleans. But a vessel navigates the coast from New-Orleans to Norfolk, in three weeks—I contend, however, that witnesses ought to be procured from the very time when the crimes are said to be committed. There is then no apology for the delay of the prosecution, as far as it respects the only person for whom an apology is attempted to be made.

There are other serious objections to my situation: Must I be ready to proceed to trial? True, sir, but then it must be in their own way. Are we then on equal terms here? Certainly not.

And again as to affidavits. The U. S. can have compulsory process to them: but I have no such advantage. An exparte evidence then is brought before this court on a motion for commitment. The evidence on one side only is exhibited, but if I had mine also to adduce, it would probably contradict and counteract the evidence of the United States, Well, sir, and these affidavits are put into the newspapers; and they fall into the hands of the grand jury. I have no such means as these, sir: and where then is the equality between the government and myself.

The opinion of the court too is to be committed against me. Is this no evil.

A sufficient answer, sir, has been given to the argument about my delay; and its disadvantages to myself have been ably developed. But my counsel have been charged with declamation against the government of the U. S.—I certainly, sir, shall not be charged with declamation. But surely it is an established principle, sir, that no government is so high as to be beyond the reach of criticism. And it is more particularly laid down, that this vigilance is more peculiarly necessary, when any government institutes a prosecution, and one reason is, on account of the vast disproportion of means which exists between it and the accused. But if ever there was a case which justified this vigilance, it is certainly, the present one when the government has displayed such uncommon activity. If then this government has been so peculiarly active against me, it is not improper to make the assertion here for the purpose of increasing the circumspection of the court.

Mr. Burr observed, that he meant by persecution the harassing of any individual contrary to the forms of law; and that his case unfortunately presented too many instances of this description. He would merely state a few of them. He said that his friends had been every where seized by the military authority; a practice truly consonant with European despotisms. He said that persons had been dragged by compulsory process before particular tribunals, and compelled to give testimony aginst him. His papers too had been seized. And yet in England where we say they know nothing of liberty, a gentleman who had been seized and detained two hours in a back parlor, had obtained damages to the amount of 1000 guineas. He said that an order had been issued to kill him as he was descending the Mississippi and seize his property. And yet they could only have killed his person, if he had been formally condemned for treason. He said that even the Post-Offices had been broken open, and robbed of his papers: that in the Mississippi territory, even an indictment was about to be laid against the Post-Master; that he had always taken this for a felony; but that nothing seemed too extravagant to be forgiven by the amiable morality of this government. Mr. Burr said, there seemed to be something mingled in these proceedings, which manifested a more than usual inclination to attain the ends of Justice. As far as it related to himself, perhaps, these things were of no account; but what was then to be said of those and other measures, such as the suspension the Habeas Corpus act, which concerned the whole nation? If in the island of G. Britain such a measure was calculated to produce so much disturbance, what kind of sensation ought it to produce in this country?

Our President said Mr. B. is a lawyer, and a great one too. He certainly ought to know what it is that constitutes a war. Six months ago he proclaimed that there was a civil war; and yet for six months have they been hunting for it, and still cannot find one spot where it existed, There was to be sure, a most terrible war in the newspapers; but no where else. When I appeared before the grand jury in Kentucky, they had no charge to bring against me; and I was consequently dismissed.—When I appeared for a second time before a grand jury (in the Mississippi territory) there was nothing to appear against me: and the judge even told the U. S. attorney that if he did not send up his bill before the grand jury, he himself would proceed to name as many of the witnesses as he could—and bring it before the court. Still there was no proof of war. At length, however, the Spaniards invaded our territory: and yet there was no war. But, sir, if there was a war, certainly no man can pretend to say that the government is able to find out. The scene to which they have now hunted it, is only 300 miles distant; and still there is no evidence to prove this war.

Mr. Burr requested the court to consider the consequences which would now result from a commitment for treason; that if he were bound now, the law of Virginia declared that he should so remain till the next term; that this delay was the very inconvenience he would wish to avoid; and that he presumed he was to remain in prison six months, until they could find out this war.

MONDAY, June 1.

Present, *Chief Justice Marshall.*

The grand jury met at two o'clock: and were adjourned until tomorrow 10 o'clock.

Mr. Hay observed, that it was extremely disagreeable for him to detain the grand jury; but he knew of no better expedient under existing circumstances; that he had received no new information respecting General Wilkinson; and that the only new communications which he had received by the last western mail, was a mass of affidavits from Chillicothe, drawn up by persons who had descended the river with Col. Burr, and that though their affidavits were extremely important, they could not be brought into court as evidence, there being no evidence that the person before whom they were taken was really a magistrate.

TUESDAY, June 2.

Present Judges Marshall and Griffin.

The grand jury met and were adjourned till tomorrow 10 o'clock.—There were no other proceedings connected with the trial.

Will be sold at Public Sale on Monday the 6th day of July next at Mr. Chapaliers tavern near Charlotte Hall academy in St. Mary's county, a Tract or parcel of LAND called Hulston, situate lying & being in the vicinity of said academy, containing about 150 acres, on six months credit, the purchaser giving bond with approved security. Possession will be given immediately after the sale, and when the purchase money is paid a good and sufficient title will be given. At the same time and place will be sold Six NEGROES, consisting of three valuable men, a lad, woman and child. The terms of sale of the negroes will be made known on the day of sale by

SAMUEL TYLER, agent for
Mary Pottinger.

June 8—4w

WILLIAM MARBURY

HAS just received, via Philadelphia and Baltimore, and now for sale at his store, next door above Mr. Elisha Riggs, Bridge street, an elegant assortment of

Fancy & Spring Goods, viz.

4 4th, and 7 8th Irish linens	Thull net, do.
5 4th Irigh sheeting	Silk and cotten hosiery
Linen cambricks,	Figured Florence
Thread and cotton lace	Do crape
Fancy ginghams	Plaid and plain Mantuas
Do. gauze muslins	White and coloured kid gloves
Seeded mull do.	Parrasoles, plated mounted
Tamboured do.	Ladies, misses and childrens morocco slippers
Fancy tamboured mull mantés	Blue, plain and coloured nankeens
Leno do do.	Cotton cassimeres
Leno long shawls	Marseilles waistcoating
Do. tamboured veils,	India and cambric dimities
8 8th and 6 4ths cambrick muslins	London hats, &c. &c.
4 4th silk chambrays	
Cotton do.	
7 4th sattin damask shawls	

Georgetown, May 15—tawam

New-York, June 3.

The new brig Milo, which arrived at this port yesterday from Norwich, is built of oak boards one inch thick, upon Col. Halsey's plan, and has seven thicknesses. She sails fast, works remarkably well, and appears strong and safe. We are informed that another brig, which was built upon the same plan about twenty years ago, is still a regular trader from the port of Philadelphia.

Indirect Voyages.—As the new doctrine of the British vice admiralty courts in the West Indies, (for no decision, that is recollected, has appeared upon the subject in the mother country) seems not to be generally known or clearly understood, the following extracts from letters written by a gentleman of this city, who was present at the following decisions, to his friends in this city, will place the matter in a clear point of view; and being of authority unquestionable, will prove the more interesting to the public.

Antigua, August 31, 1806.

"The American brig Triton and cargo were condemned since my arrival, on the following grounds: The captain had gone first to Barbadoes, and sold part of his cargo for cash and bills—thence went to Martinique, and with the money purchased a return cargo, and unsold part of his outward cargo, and on his passage homeward was sent in here. It was considered as an indirect voyage, and not coming within the instructions or regulations of 13th July, 1803. The only now existing great stress was laid upon the specie being carried "from his majesty's colony to that of his enemy.'

Jan. 20, 1807.

"A case similar to the Triton's, mentioned in my letter of 31st August, has just occurred.

"The Horizon, Jenkins, of Newbern, N. C. went in (*confessedly*) from Barbadoes or Dominica to Guadaloupe, with the proceeds of his outward cargo, invested partly in produce of the former island, and the remainder in cash and bills. The cash was stated at about 4 or 500 dollars, and which was found on board.

"It is true there was no proof of the bills so taken, but the captain's oath; and the cargo he took in at Guadaloupe was therefore considered as in part procured by more cash than he confessed, taken from an English to an enemy's island; and the remainder French property on freight.

"The condemnation, however, of both vessel and cargo, except that part of the latter taken in at Barbadoes, reserved for further consideration, went 'on the indirectness of the voyage, as in the case of the Triton.'

"Another similar to the foregoing, has recently taken place in that of the Friendship.

New York, June 6.

Captain King, of the ship American Eagle, who left Montevideo the 5th April, informs that the British still kept possession of that place, and were making preparations to attack Buenos-Ayres. Reinforcements from England were expected daily. Nine of the crew of the ship Bengal that was cast away in Maldanado roads, came home with captain King.

Captain K. further informs, that the British had taken Colonia; and that gen. Beresford was on the eve of sailing for England.

By Charles Stirling, Esq. Rear Admiral of the White, &c. &c. &c. and Brigadier General Sir Samuel Auchmuty, Lieutenant Commanding in Chief,

A PROCLAMATION.

Notwithstanding the fortress and city of Monteviedo have been taken by assault, we being desirous to evince the mildness of his Britannic majesty's government, and actuated by humanity towards the distressed, do hereby invite the inhabitants of Monteviedo and its dependencies, to return to their several avocations, assuring them of full protection to their persons, provided they behave themselves as becometh good subjects and citizens, taking the oath of allegiance to his Britannic majesty.

The private property of individuals, (fire arms, and other warlike weapons excepted) shall be respected, unless it appears on full consideration that it has been fraudulently obtained, to injure government or the captors.

The inhabitants may freely profess the holy Roman Catholic religion, and every proper respect shall be paid to the ministers of the Gospel, provided they confine themselves to their sacred duty, behave as becometh good subjects, and do not endeavor to prejudice the minds of the people against his Britannic majesty's government. All property belonging to the churches, colleges, monasteries, foundations and other public institutions of that kind, shall remain free and unmolested, provided the ground on which it stands is not actually required for any fortifications that may be raised for the defence of the town or place.

The magistrates until further orders, shall continue to exercise their several functions as far as regards the police of the city and its district, subject, however, to such alterations and amendments, as the general commanding in chief, may think proper to direct; but such crimes as effect the government or the safety of the fortress, will be amenable to martial law.

The different taxes and duties levied by the magistrates, to remain, until further orders, and to be collected by them in the same manner, and applied to the purposes as heretofore.

Passports will be granted and every encouragement given to such persons, as are disposed to supply the city with the production of the country.

Given under our hands, at head quarters, Fort St. Philip, this 3d day of February, 1807.

CHARLES STIRLING,
SAMUEL AUCHMUTY.

Philadelphia, June 2.

It appears from an official statement, that in consequence of the ordinances of the 10th July, 1795, and 20th Jan. 1797, respecting reconciling courts in the kingdoms of Denmark and Norway—the royal chancery (chief department of justice,) has received returns as well from the capital and the West Indies, as from all the counties and bailiwics throughout the said kingdoms and Iceland, concerning the cases that have come within the operation of the regular and general reconciling courts or committees, courts of the police and other jurisdictions, in as far as such courts and cases have been susceptible of reconciliatory proceedings. The said department has laid before his majesty, two detailed abstracts from these reports, one for each of the years abovementioned, and these set forth, that

First, in the year 1804.—1st. out of 46,820 cases which came before the general reconciling committees or courts, 30,124 were reconciled or arranged by mutual consent, 1,396 postponed, and 15,300 referred to the courts of justice, before which however but 3,722 of the latter have appeared—and 2d. out of cases resorting under the police, susceptible of reconciliatory proceedings, being 4,198, 2,878 were reconciled, 121 postponed, and 1,198 adjudged.

Second, in the year 1805—1st. out of 50,764 cases under the cognisance of the general reconciling committees or courts, 32,913 have been reconciled or arranged by mutual consent, 1,418 postponed, and 16,586 referred to the courts of justice, before which however but 3,711 of these latter have appeared; and 2d. out of cases resorting under the police, susceptible of reconciliatory proceedings, being 6,010, 4,414 have been reconciled, 150 postponed, and 1,451 adjudged.

Baltimore, June 5.

The British are in possession of all the north side of the river, from Cologna to Monte Viedo, and have a strong garrison at Colegna.

General Beresford has made his escape from Paraguay.

On the 29th March admiral Sterling and general Auchmuty sailed in the Daphne up the river, to reconnoitre.

Fifty-five sail of English merchantmen were in the port, laden with goods from England, worth upwards of two millions sterling. Goods were selling for less than cost, without charges, what little sale there was.

Frankfort, May 14.

Extract of a letter from a gentleman at Fort Stoddart, M. T. to his friend in this place, dated

"*April* 4, 1807.

"The Spaniards have behaved basely. Some time before Congress met, capt. Gaines was directed to apply to the governor of Florida on the subject of duties. Col. Howard then acted as governor: and after much deliberation conceded that American vessels should pass Mobile without paying any other duties than Spaniards going to Baton Rouge pay at New Orleans. They pay none. Yet in the face of this order the commandant at Mobile has detained an American vessel 3 weeks loaded with goods for the Chactau trading house & provisions for the troops: he threatens to throw every soul in the Calabouses if they attempt to go up the river, and says that governor Howard had nothing to do with it, and that governor Folk, who now acts, has given peremptory orders to the contrary. A vessel loaded with 160 bales of cotton passed my house last Sunday and expected to be allowed to pay the duties without going by the town of Mobile, as it is much out of the way and difficult of access. But they have compelled him to return and go by the town, and are now, as I was told to-day, unloading the vessel, to be perfectly certain that nothing passes without paying duties. When will our country be roused to resent these injuries?

"Some troops are expected from Orleans—the usual quota stationed in this country. The Spaniards have sent out all the vessels they have to stop them. But they will come by land.

"A letter which I received just now from Mobile, which is about 30 miles from my house, says that they have been making warlike preparations there for several days. Mobile news, however, is not often to be relied upon."

LONDON, APRIL 12.

We have been favored with an extract from one of the latest dispatches of gen. Benningsen. We feel great satisfaction in the opportunity of presenting this document to our readers. It contains a most effectual antidote to any discouraging apprehensions which the two last bulletins might possibly create. The Russian commander does not seem to stand in great awe of either the skill or the strength of his opponents. He speaks confidently as to the success of his proposed operations; and the caution which he has observed, evinces that he is neither to be precipitated into a rash engagement, nor easily diverted from his purpose. His apparent inactivity, as well as that of the enemy indeed, is to be accounted for in the expectation of reinforcements. It is not improbable that both armies will decline a general engagement until they have been joined by the troops which are hastening to their respective support. The Russian reinforcements, though nume-