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TRIAL OF COL. AARON BURR.

Saturday, June 27.
OPINION
On the motion for an attachment against Gen. Wilkinson.

The motion now under consideration was heard at this time, because it was alledged to be founded on a fact which might affect the justice of the case in which the court is about to be engaged, and because while the bills were depending before the Grand Jury, the court might without impeding the progress of the business, examine into the complaint which has been made.

The motion is to attach gen. Wilkinson for a contempt of this court, by obstructing the fair course of justice with regard to a prosecution depending before it. In support of this charge has been offered the testimony of Mr. Knox, who states a conversation between gen. Wilkinson and himself previous to his being served with a subpena, the object of which was to extract from him whatever information he might possess respecting the expedition which was the subject of enquiry in this court; and who states also, that he was afterwards summoned before Judge Hall, who examined him upon interrogatories, and committed him to jail, whence he was taken by order of the deputy marshal, who was a military as well as civil officer, and put on board the Revenge, in which gen. Wilkinson sailed, for the purpose of being brought from New Orleans to Richmond.

That unfair practices towards a witness who was to give testimony in this court, or oppression under color of its process; altho' those practices and that oppression were acted in another district, would be punishable in the mode now suggested, provided the person who had acted therein, came within the jurisdiction of the court, is a position which the court is not disposed to controvert; but it is also believed that this mode of punishment ought not to be adopted, unless the deviation from law could be clearly attached to the person against whom the motion was made; and unless the deviation was intentional, or unless the course of judicial proceeding was or might be so affected by it, as to make a punishment in this mode, obviously conducive to a fair and correct administration of justice.

The conversation which took place between gen. Wilkinson & the witness on the arrival of the latter in New Orleans, was manifestly held with the intention of drawing from him any information which he might possess, relative to the expedition which was then the subject of enquiry. In this intention there was nothing unlawful. Government and those who represent it, may justifiably and laudably use means to obtain voluntary communications, provided these means be not such as might tempt the person making them to give an improper coloring to his representations, which might afterwards adhere to them when repeated in court. The address stated to have been employed, the condescention and regard, with which the witness was treated, are not said by himself to have been accompanied with any indications of a desire to draw from him more than the truth. The offer of money, if with a view to corrupt, could not be too severely reprehended. It is certainly a dangerous species of communication between those who are searching for testimony and the person from whom it is expected. But in this case the court cannot contemplate the offer as being made with immoral views.—The witness had a right to demand from those he was expected to accuse, a small sum of money sufficient to subsist him on his return to his home. He was asked whether on receiving this sum, his objections to giving testimony would be removed. This was certainly a delicate question, but it might be asked without improper motives, and it was pressed no further. This is not shewn to be an attempt to contaminate the source of justice, and a consequent contempt of the court, in which it is administered.

The imprisonment of Mr. Knox, and the order for conveying him from New Orleans to Richmond, were the acts of judge Hall—Whether his proceedings were legal or illegal, they are not shewn to have been influenced by gen. Wilkinson, and this court cannot presume such to have been the fact. Gen. Wilkinson therefore is not responsible for them. They were founded it is true, on an affidavit made by him; but there was no impropriety in making this affidavit, and it remained with the judge to decide what the law would authorise in the case.

All the subsequent proceedings were directed by the civil authority. The agents who executed the orders of the judge were indeed military men, who most probably would not have disobeyed the commander in chief; but that officer is not responsible in this way for having failed to interpose his authority, in order to prevent the execution of the orders of the judge, even if those orders ought not to have been given.

Upon a full view of the subject, the case appears to have been this. General Wilkinson was desirous that the testimony of the witness should be obtained; and aware of the accusations which had before been brought against him for the use he had made of the military power, he was desirous of obtaining the testimony by lawful means, and therefore referred the subject to a judge of the territory, under whose orders all subsequent proceedings were taken. Whether the judge did or did not transcend the limits prescribed by law those ministerial officers who obeyed his orders, cannot be supposed to have acted with a knowledge that he had mistaken his power. Should it be admitted that this would be no defence for them in an action, to obtain compensation for the injury, yet it furnishes sufficient evidence, that no contempt was intended to this court by gen. Wilkinson, that he has not been guilty of any intentional abuse of its process or of any oppression in the manner of executing it.

It is said that capt. Gaines, the gentleman whom the marshal appointed as his deputy for this particular purpose, had not taken the oath of office, and was therefore not legally qualified to act in that character. However correct this observation may be in itself, it does not appear to the court to justify an attachment against gen. Wilkinson. The person who sees in the possession of another, a commission as deputy marshal, and sees that others acting under that commission, ought not to be subjected to a process of contempt for having made no enquiries respecting the oath which the law requires to be taken.

The attachment will not be awarded because gen. Wilkinson cannot be considered as having controled or influenced the conduct of the civil magistrate, and because in this transaction his intention appears to have been not to violate the laws. In such a case, where an attachment does not seem to be absolutely required by justice, due to the particular individual against whom the prosecution is depending, the court is more inclined to leave the parties to the ordinary powers, which are given for the purpose of preserving the administration of justice, in that purity which ought to be so universally desired.

Richmond, July 11.
In Council, July 10. 1807.

The Governor laid before the board a letter from Henry Dearborn, secretary of the war department of the U. States, bearing date the 6th of July, 1807, requiring the Executive of Virginia to take effectual measures to organise, arm and equip according to law, and hold in readiness to march at a moment's warning, eleven thousand five hundred and sixty-three militia, (officers included,) by virtue of an Act of Congress passed on the 18th day of April, 1806, intituled "An act authorising a detachment from the militia of the United States;" and to accept of the services of companies of volunteers, conformably to the second section of the said act, or to an of Congress passed the 24th day of February, 1807, intitled "An act authorising the President of the United States to accept the services of a number of volunteer companies, not exceeding thirty thousand men;" on due consideration whereof.

It is advised, that orders be immediately issued to maj. general Lee, to furnish from his division two thousand four hundred and ten infantry, one hundred and forty-two artillery, and two hundred & eighty-four cavalry, including the necessary officers; to major general Williams to furnish from his division two thousand & eighty seven infantry, 1 hundred & twenty two artilley & two hundred & forty five cavalry, including the necessary officers; to major general Preston to furnish from his division three thousand two hundred and twenty three infantry, (one thousand one hundred and fifty six of which shall be rifle men) one hundred and eighty nine artillery, and three hundred and seventy nine cavalry, including the necessary officers; and to major general Woodson to furnish from his division two thousand one hundred and nine infantry, one hundred & twenty five artillery, and two hundred and forty eight cavalry, including the necessary officers; the whole to be so organised as to constitute twelve regiments of infantry, two of cavalry, and one of artillery: to consist of a number of men not less than five hundred nor more than one thousand each.

It is advised, that the several commandants of regiments be directed to procure the number of men required from each regiment, by accepting companies, of volunteers, who may, at any time previous to orders for taking the field, tender their services, either conformably to the 2nd section of the act of congress first above mentioned, intituled "An act authorising a detachment from the militia of the United States," or to the act "Authorising the President of the United States to accept the services of a number of volunteer companies not exceeding thirty thousand men;" preferring, in the first place, such volunteer companies as are already organised and, (in case of a deficiency of volunteers,) by drafting men according to law. If such volunteers, in any regiment, shall exceed in number the proportion of men required therefrom the commandant thereof shall not reject the services of any of them; but shall report the circumstance to the Executive.

Published by order of the Executive,
DANIEL L. HYLTON,
Clerk of the Council.

The documents referred to in the above advice are the following, viz.

War Department, July 6, 1807.
His Excellency the Governor of the State of Virginia.

SIR,

The President of the United States has directed me to call upon the Executives of the several states to take effectual measures to organise, arm and equip, according to law, and hold in readiness to march at a moment's warning, their respective proportions of one hundred thousand militia, officers included, by virtue of an act of Congress passed on the 18th day of April, 1806, intituled, "An act authorising a detachment from the militia of the United States.". This therefore is to require of your Excellency to take effectual measures for having eleven thousand five hundred and sixty-three of the militia of Virginia, (being her quota) detached and duly organised in companies, battalions, regiments, brigades, and divisions, within the shortest period that circumstances will permit: and as nearly as practicable in the following proportions of artillery, cavalry and infantry, viz: one twentieth part of artillery; one tenth part of cavalry; and the residue infantry. There will however be no objection on the part of the President of the United States, to the admission of a proportion of rifle men, duly organised in distinct corps, and not exceeding one tenth part of the whole quota of the states respectively: each corps should be properly armed and equipped for actual service. Any companies of volunteers, who, previous to orders for taking the field, may tender their services conformably to the second section of the aforesaid act, or to an act of Congress (a copy of which is enclosed) passed on the 24th day of February, 1807, intituled, "An act authorising the President of the United States to accept the services of a number of volunteer companies, not exceeding thirty thousand men," will be considered as a part of the aforesaid quota of eleven thousand five hundred and sixty-three, according to their numbers; and, from the well known patriotism of our fellow-citizens, it must be presumed, that under the existing circumstance of our country, a large proportion of the quotas of the several states will be composed of such volunteer corps, especially, as they will undoubtedly meet with every encouragement from your excellency, and from all other patriotic, influential characters.

When the detachment and organization shall have been effected, the respective corps will be exercised under the officers set over them: but will not remain embodied, or be considered as in actual service, until, by subsequent orders, they shall be directed to take the field; your excellency will please to direct that correct muster rolls and inspection returns be made of the several corps; and that copies thereof be transmitted to this department as early as possible.

I have the honor to be,
Very respectfully,
Your excellency's obd't serv't,
H. DEARBORN.

AN ACT
Authorising a detachment from the militia of the United States.

BE *it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President of the United States be, and he is hereby authorised, at such time as he shall deem necessary, to require of the executives of the several states, to take effectual measures to organize, arm and equip according to law, and hold in readiness to march at a moment's warning, their respective proportions of one hundred thousand militia, officers included: to be apportioned by the President of the United States, by the militia returns of the last year, in cases where such returns were made, and in cases where such returns were not made the last year, by such other data as he shall judge equitable.

SEC. 2. *And be it further enacted*, That the President may, if he shall judge it expedient, authorise the executives of the several states, to accept, as part of the said detachment, any corps of volunteers, who shall engage to continue in service six months after they arrive at the place of rendezvous.

SEC. 3. *And be it further enacted*, That the detachment of militia and volunteers aforesaid, shall be officered out of the present militia officers, or others, at the option & direction of the constitutional authority in each state, respectively; the President of the U. States apportioning the general officers among the respective states as he may deem proper.

SEC. 4. *And be it further enacted*, That the said detachment shall not be compelled to serve a longer time than six months after they arrive at the place of readezous: and that during the time of their service, they shall be entitled to the same pay, rations and allowance for clothing, that are established by law, as the pay, rations and allowance for clothing of the army of the U. S.

SEC. 5. *And be it further enacted*, That the Presisent of the United States be and he is hereby authorised to call into actual service any part, or the whole of the said detachment, when he shall judge the exigencies of the United States require it; if a part of the said detachment only shall be called into actual service, they shall be taken from such part thereof, as the President in his discresion shall deem most proper.

SEC. 6. *And be it further enacted*, That two millions of dollars be, and are hereby appropriated, out of any monies in the Treasury not otherwise appropriated for the pay and subsistence of such part of the said detachment as may be called into service.

SEC. 7. *And be it further enacted*, That an act entitled "An act directing a detachment from the militia of the United States, and for erecting certain arsenals," approved the third of March, one thousand eight hundred and three, be, and the same is hereby repealed.

SEC. 8. *And be it further enacted*, That this act shall continue, and be in force for the term of two years from the passing thereof, and no longer.

NATHL. MACON,
Speaker of the House of Representatives.
S. SMITH,
President of the Senate pro-tempore.
April 18, 1806.
APPROVED,
TH: JEFFERSON.

[Here follows the Act of the 24th of Feb. 1807, as published in our last paper.]

Charleston, July 4.

As soon as the news which arrived the evening before the last from Norfolk, was known to the citizens, every heart and mind was penetrated with indignation at the recital of the gross affront our national character has received from the British government, in directing an attack to be made on the American frigate Chesapeake.—In consequence thereof, a hand bill was issued yesterday morning, calling on the citizens to meet at four o'clock in the afternoon, in the Exchange, to consider of the proper measures to be taken to make known their sense of this egregious insult to the supreme government of our country.

At four o'clock a very numerous meeting took place.

Major JOHN WARD was unanimously called to the chair.

The chairman, in a short but eloquent speech, stated to the meeting what he considered to be the cause of their assembling. He reminded them that in all large meetings, it generally happened that measures were agreed upon and carried too hastily; that in the present instance, and in an affair of such deep consequence to the country, it ought to be the study of the meeting to make their deliberations known with coolness and with dignity; for this purpose it appeared to him that the proper mode of expressing their sentiments would be through a committee, to be appointed by the meeting. This opinion was unanimously concurred in—Whereon, a motion was made, that the following named gentlemen be a committee to draw up such resolutions, expressive of the public sentiment, as they should think proper, and that they should make a report of their proceedings to a meeting to be held on Wednesday next, in the Circular Church, at 10 o'clock in the morning.

This motion was carried by a great majority. The meeting then adjourned.

JOHN WARD, *Chairman.*

General Pinckney, John Blake, Felix Warley, John Dawson, jun. David Ramsay, Thomas Pinckney, Thomas Somarsall, Peter Freneau, William Rouse, Thomas Lee, Thomas Roper, Samuel Robertson, Langdon Cheves, John Johnson, jun.

From the Norfolk Ledger.

In the narrative which we published the 24th of last month, it might be inferred that the men taken from the Chesapeake had deserted from the Halifax; the fact is, they had left the Melampus; but admiral Berkley's instructions contained a list of eight men, which the commander of the Leopard was ordered to search for and take, if found on board; four had belonged to the Melampus, the other four to the Halifax. We state from good authority, that captain Humphries was ordered to offer permission to commodore Barron to search the Leopard for American seamen, and that he communicated these orders to commodore Barron. Such an offer might have the appearance of reciprocity, but nothing more. The commander of the Leopard, knowing that he was to make this offer, could very easily have removed any Americans that might have been on board to any of the other ships. An offer to permit a search of all the ships, would have produced a substantial benefit, but all this is mere trifling—no national ship ought to be searched, and although we ever have advocated, and still do advocate the creation of a navy, we would rather see the few ships that remain destroyed, than to surrender a principle that would reduce us from the rank of an independent nation.

RICHMOND.
In Council, July 10th, 1807.

Several patriotic addresses from military associations, in various parts of the state, expressive of their warm indignation at the outrage lately committed by the British squadron within our jurisdiction, and offering their services to march at a moment's warning to repel their lawless aggressions, having been received by the governor, and laid before the board; it is *unanimously* advised, that the officers, soldiers & privates, who have thus voluntarily come forward, be requested to accept the thanks of the Executive for the very laudable zeal manifested by them in defence of their country.

The following tenders of services have been, with great pleasure, received by the Executive since the date of the advice of Council, published on the 8th instant, viz.

From capt. Harry Heth, of the Manchester troop of Cavalry, and the officers and soldiers under his command;

From capt. Robert Anderson, of a company of Riflemen, formed by a voluntary association in the city of Williamsburgh, and the officers and soldiers under his command;

From capt. John Burk, of the Republican Rifle corps of Petersburg, and the officers and soldiers under his command; and

From capt. Byrd C. Willis, of a volunteer company of Light Infantry at Fredericksburgh, and the officers & soldiers under his command.

Published by order of the Executive.
DANIEL HYLTON, C. C.

In the Press,
And will be published with all possible expedition, (probably by the 1st of August)

THE
TRIAL
OF
Col. Aaron Burr,
For High Treason and Misdemeanor against the United States;
Began and held in Richmond (state of Virginia) on the 22d day of May, 1807.

Conditions of this Report.

1. It shall be well printed and delivered to subscribers (bound in boards) at 75 cents per volume, payable on delivery.

2. Each volume shall contain 150 large octavo pages, of small pica type, and close print.

3. Those who wish it, can have it handsomely bound and lettered, with only the additional charge of binding.

It is probable the work will not exceed 3 volumes, and each one shall be delivered to subscribers in succession, without delay.

☞ Subscriptions received by W. A. Rind, A. Suter, and J. March, Georgetown; R. C. Weightman, D. Rapine, and at the office of the subscribers, Washington city.

WESTCOTT & CO.
11th street, near Pennsylvania Avenue.
July 15—3t

CHARLES H. VARDEN,
Merchant Taylor
New Jersey Avenue, near the Capitol.

RESPECTFULLY informs the gentlemen of the district of Columbia, he has imported by ship Eliza ANN lately arrived at Philad.

A choice assortment

Of Extra Superfine cloths, Bennets, Velvets, and Cords, Cassimeres, single and double milled Sattin cloths, fashionable Spanish Orleans and Toilnets, rich silk Moleskin velvets, silk and sattin Florentines, with a variety of other articles suitable for the season.

N. B. Ladies habits, regimentals and navy uniforms made in the first stile of fashion.

Richard Harwells celebrated patent parallel Suspenders, can be had on the same terms as at his manufactory.

November 18—tf