have been injured.) I can shew my discharge. I procured a substitute, and many have liberty to procure them.

Mr. *Hay*. Hand me the discharge; the witness accordingly presented it.* Q. Did you come round with general Wilkinson? A. I did. Q. Were you subpoenaed? A. I did not know I was. Q. Who requested you to come round from New Orleans? A. I came by request of general Wilkinson. Q. Did he say for what? A. He said as a witness. Q. You gave a deposition in New Orleans? A. Yes. Q. At whose request? A. At general W's. Q. When I came down the Mississippi in 1805, by whose orders did I have the men? A. I thought, by Gen. W's. Q. Had they arms? A. I think not. Q. Had they colours? A. They had, and they were flying every day. Q. Did you not tell me, you expected your discharge? A. Yes. Q. Do you not know that the soldiers at Chickasaw Bluffs wanted to go with me; and I refused them. A. I recollect that you wanted me to get them to go, but I refused. Q. Did you not tell me that some of them wanted to go? A. I mentioned 1 or 2. Q. Did any go? A. No. Q. Why? A. You told me that the lieut. and all would follow in a few days.

Mr. *Wirt*. This previous voyage you took the year before—were they not troops of the U. States? A. They were. Q. These soldiers; were they going where their company was? A. The whole company were going to New Orleans and this barge with ten men, was sent on ahead. Q. And this flag belonged to them? A. It did.

Mr. *Wickham*. Were they regimental colors? A. They were colors made for the barge.

*Chief Justice*. Did you tell captain Bissell, that col. Burr had applied to you to get the men to desert? I did not.

Mr. *Wirt*. Did you not reject the proposition? A. *I* did. At the request of the Chief Justice the witness here described the particular manner in which the arms were sunk. He said that they were so deep in the water, as to prevent the boat from going within 50 yards of the shore. He also related his visit to Judge Bruin's, where col. Burr got the newspaper. He also stated at the request of the court the contents of his letter to general Wilkinson; that if he would send him the forlough which lieut. Roney had taken from him or a pardon, that he would be there in three days. General Wilkinson informed him, that he had behaved very wrong in leaving the man he was going down with; but if he would come down he should not be molested.

Mr. *Wirt*. Where did the party break up? A. A few miles below Coles's creek. Q. How far is Coles's Creek from Bayou Pierre? A. About 25 miles. Q. When was it that this parting speech was made at Coles's Creek? A. About 6th, or 7th of February.

* The discharge states, that "having served three years and 6 months, and being permitted to procure a substitute in his place (J. D.) is hereby discharged.

## STATE PAPER.

[FROM THE GERMAN.]

Note of Mr. Canning, English Secretary of State for Foreign Affairs, to Prince Stahremberg, the Austrian ambassador at London.

"LONDON, APRIL 25, 1807.

"The undersigned, his majesty's principal secretary of state for foreign affairs, has laid before the King the note delivered to him by prince Stahremberg, ambassador extraordinary, and minister plenipotentiary of his majesty the Emperor of Austria, King of Hungary and Bohemia, in which his Imperial Majesty offers himself as a mediator for a general peace.

"The undersigned has received it in command from the king his sovereign, to communicate to prince Stahremberg the inclosed official answer to the note of his Imperial Majesty. The King does complete justice to the motives that have induced his Imperial Majesty to propose a mode of negociation which, by embracing the interests of all parties, can alone lead to the restoration of a lasting peace, and the permanent tranquility of Europe; and his Majesty, therefore, accepts the offer of his Imperial Majesty's mediation, so far as he is concerned: but with this provision, that it shall also be accepted by all the other powers involved in the present war.

### NOTE.

"His majesty the King of the United Kingdom of Great Britain and Ireland, has received with due regard the communication of his majesty the Emperor of Austria, King of Hungary and Bohemia, and also justly appreciates the motives which have upon this occasion, determined his majesty to become the mediator of a general peace.

"The King, who has never ceased to look to a secure and lasting peace as the only object of the war in which he is engaged, and who has never refused to listen to any proposal which offered the least probability of attaining his proposed object, cannot, for a moment, hesitate to give his full assent to the declared opinion of his majesty the Emperor and King, and that such a peace is only to be obtained by a general negociation on the part of all the powers engaged in the present war.

"The King will have no difficulty in entering upon such a negociation, as soon as the consent of the other powers interested therein shall have been received. His majesty will, without delay make the necessary communications in in this respect to those powers with which he is more especially united by the ties of friendship and confidence, in order to ascertain their views, and in the event of their being favorable to the proposition of his Imperial Majesty, to consult with them as to the mode in which the negociation shall commence, and, agreeably to his Imperial Majesty's proposition, to come to an understanding as to the principles which should equally form the ground and basis of discussion and of a general arrangement.

As to what concerns the choice of a place to become the seat of negociation, any place will be equally acceptable to his majesty, provided (exclusive of the indispensible condition which is also expressed in the note of his Imperial Majesty, that it shall be free from all immediate influence of the events of the war) that it affords to his Britannic Majesty, in the same degree as to the other powers, the means of a speedy and uninterruped communication with the plenipotentiaries whom his Majesty should send to this Congress.

## DUKE OF MECKLENBURG.

[From a German Journal.]

"No German state has, in our days, experienced so sudden a change of fortune as Mecklenburg Schwerin. Its relations with Prussia produced its misfortune and its felicity. The fate of Mecklenburg was strangely made to depend upon that of the two Turkish provinces of Moldavia and Wallachia. The governing family was compelled to emigrate. They took up their residence at Altona. It was here that, on the 5th of July, they were rejoiced by the arrival of a courier from the frontiers of East Prussia, announcing the sudden change of their fortune.

"The following is the letter sent by the emperor of Russia to his brother-in-law, the hereditary prince of Mecklenburg:

"TILSIT, June 27, 1807.

"*My dear Brother*,

"On the happy approximation which has taken place between the emperor of the French and myself, it was one of my first concerns to provide for the interests of your family. My wishes have been crowned with success, and I hasten to send duplicates of the orders addressed to the French commanders in Mecklenburg. Be pleased to communicate them to the duke your father, that they may be forwarded by him. I rejoice that it has been in my power to be useful to you, and to give you this new proof of the sincere friendship which I personally bear you.

"ALEXANDER."

So far from the German Journal—Though the command sent by marshal Berthier to general Laval, to reinstate the duke immediately in his dominions, considering him "as a sovereign for whom the emperor especially interested himself;" tho' the military intendants, &c. were ordered to suspend their functions, yet no immediate relief followed. Even after the duke had reappeared in his capital, no change took place, save that, instead of authoritatively commanding requisitions of every kind, the derisive form of a polite request was employed. Independently of the enormous expense of nourishing the soldiers quartered on the inhabitants, the costs in requisitions alone amounted to ten thousand dollars daily; and this had not ceased at the time of the departure of the Mecklenburg court from Holstein on the 28th of July.

## *ENGLISH HOUSE OF LORDS.*

*AUGUST 13.*

## DIFFERENCE WITH AMERICA.

On the order of the day being read, to consider the motion of which Earl Stanhope had given notice, and for which the House had been summoned.

*Earl Stanhope* rose and lamented the absence of his majesty's ministers, (not one of whom except the chancellor was present, and the house was very thin;) this looked worse if they wanted to avoid any discussion upon the subject. He thought this conduct was disrespectful to the house, after the notice given, and the summons issued for members to attend. As for himself, individually, he paid but little regard to this inattention—he remembered the time when he was but one in four who voted for the abolition of the slave trade, although this measure had afterwards been carried through the house by a large majority. He should, therefore, at all events, proceed to the discharge of his duty. The subject to which he wished to call their lordships attention was of great importance, and it rested upon certain general principles. Every one knew that a late unfortunate event had caused disaffection among the Americans, as to the conduct of our naval commanders upon that station; but no one knew whether any, or what instructions had been issued from this country to have occasioned this dispute. If there were any man to be found who wished for the decline of our commerce, and the increase of our taxes, and to promote the objects of Bonaparte, to the detriment of this country; such a man would certainly wish for war to take place between this country and America; but if on the contrary, he were a man of virtue and benevolence, and a sincere patriot, who wished well to this country, such an one would lament, as one of the greatest misfortunes which could have befallen it, a dispute with the Americans, which went, at the same time, to involve all our relations with foreign powers.

The subject in question, however, was one which ought to be settled upon general principles, independent of this particular occurrence, and whether individual nations were more or less powerful. By the law of nations all were equal. It was this principle which alone ought to direct and lay the foundation for any principle of general policy. On this subject he must observe, that there were circumstances which rendered it peculiarly unfortunate that a breach between this country and America should have taken place at the present juncture, when the ports of Europe were likely to be shut against this country; when probably the greatest difficulty would occur in obtaining naval stores from countries which would probably be in a state of warfare with us; above forty millions went annually from this country for the purchase of corn and naval stores; and now, our supplies from Poland, Prussia and Russia, could not be obtained; and if similar supplies from America were also cut off, how were provisions to be obtained, or our arsenals replenished? It was perhaps not sufficiently known, that at this very moment exertions were making to carry into effect in America, a plan, for the diclosure of which an individual has a few years ago demanded of our government the sum of 15,000l. but had been refused. He alluded to a plan for the invisible destruction of shipping, and particularly of men of war. The inventor of this scheme was now in America, and it was ascertained that it would not upon an average, cost 20l. to destroy any ship whatever. Another subject connected with the present, was the great difficulty there would be to make a peace with the various powers of Europe, but upon the principle of justice being administered, in the present instance, to America, and on the footing of perfect reciprocity amongst nations. His lordship concluded with moving—"that the principle of equality and complete reciprocity ought to be the invariable rule and conduct of government, with respect to all independent nations, at peace with this country."

The *Lord Chancellor* rose, and said, he trusted he should not be considered disrespectful to the Noble Earl, if he deprecated the agitation of this question, and all discussion at present upon this subject. The circumstances referred to by the Noble Earl were undoubtedly unfortunate, but it would, in his opinion, be as undoubtedly wrong to attempt an undue investigation of them, for it was, in the first place, absolutely necessary that the House should have authentic information of all the circumstances; and whilst they were deprived of that, he could not but think it wrong to agitate such a question. He could assure the Noble Earle and the House, that ministers had been most cautious and anxious with respect to this country's governing itself towards others, according to the law of nations; for it could never be for the dignity of the greatest nation in the world to govern itself upon any other principles—He should only add, that at present he should think it by far the more prudent way to postpone all further discussion on the subject.

*Earl Stanhope* rose for the purpose of thanking the Noble & learned Lord for the handsome manner in which he had treated the motion. It would have given him great pain if he had said a word against it; he should have been truly sorry if it had gone out into the country & to foreign parts, that there was a disposition on the part of the government of this country to withstand enquiry respecting the causes of the present breach of friendship between the two powers. But the motion he had offered to the House had been on general principles, without relation to any particular circumstances.

*Earl Morton* remarked, that the Noble Earl's motion was so generally worded as to contain a mere abstract proposition, and upon this ground it was that he objected to it, because he believed it to be very unparliamentary, as well as very imprudent for either House of Parliament to discuss and adopt general propositions.

The Noble Earle (Stanhope) seemed to nod assent. The question upon his motion was then put and negatived.

THE WASHINGTON
JOCKEY CLUB RACES.
*Commence on Tuesday the 27th October next.*

First day's purse, 4 mile heats 600 dolls.
Second day's purse, 3 miles 350 do.
Third day's purse 2 mile heats, (free only for colts), 300 do.

On the first day will also be run for a Colt Sweepstake of 500 dollars, for subscribers

All races are to be run agreeably to the rules of the Club

☞ The members of the Club are to meet at the Union Tavern, Georgetown on the Monday evening immediately preceding the first day's race, agreeably to a standing rule of the Club in that respect made.

SAMUEL BOOTS, Sec'y.
Sept. 28—tR.

TAMMANY SOCIETY,

A STATED meeting of the Tammany Society or Columbian Order, will be held on Friday evening the 2d day of the month of Travelling, (October 2d.) at the Council Fire of their great Wigwam, precisely at the going down of the Sun.

By order of the Society,
B. SMITH, Sec'y.
*Month of Corn, 28th*
*Year of Discovery 315.*

# WASHINGTON CITY.

*FRIDAY, OCTOBER 2.*

*FOR THE NATIONAL INTELLIGENCER.*

MR. SMITH,

SIR,

As the late transactions at Richmond have given rise to much serious thought and reflection on the different proceedings of courts of law—technical phrases and forms—I have thought proper to send you for insertion the following statement:—It is taken from the life of that great and good man, Mr. Wesley, published by G. Dobbin and Murphy, Baltimore, and certainly merits the serious consideration of every man.

In the beginning of July, 1761, says Mr. Wesley, I was desired to call on a poor prisoner in the castle of York, (England).—I had formerly occasion to take notice of an hideous monster, called a *Chancery Bill*—I now saw the fellow to it called *a Declaration*. The plain fact was this: Some time since, a man who lived near Yarm, assisted others in running some brandy; his share was worth nearly four pounds. After he had wholly left off that work, and was following his own business, that of a weaver, he was arrested, and sent to York goal. And not long after came down *a Declaration*, that Jack, who had landed a vessel laden with brandy and Geneva, at the port of London, and sold them there, whereby he was indebted to his Sovereign Lord the King, in the sum of *577l*. and upwards. And to tell this *worthy story*, the lawyer takes up 13 or 14 sheets of treble stampt paper.

O England! Will this reproach never be rolled away from thee! Is there any thing like this to be found, either among Turks or Heathens? In the name of justice, mercy, and common sense, I ask, 1st. Why do men lie for lying sake? Is it only to keep their hands in? What need else of saying it was the port of London? When every one knew the brandy was landed 300 miles thence.

What a monstrous contempt of truth does this shew, or rather hatred to it? 2d. Where is the justice of swelling *4l* into *577l*.? 3d. Where is the common sense of taking up 14 sheets to tell a story? That may be told in ten lines? 4th. Where is the mercy, of thus grinding the face of the poor beggared prisoner? Would not this be execrable villainy, if the paper and writing together, were only *6d*. a sheet, when they have stript him already of his little all, and has not left him 14 groats in the world?

It is certain that nothing can be said in defence of our law proceedings. They are often absurd, highly oppressive to the subject, and disgraceful to a civilised nation. In criminal cases, how often does the indictment magnify and exaggerate both the crime and every circumstance connected with it, beyond all the bounds of truth and probability. Hence it becomes extremely difficult for jurymen to discharge their duty with a good conscience. And we seldom see punishments duly proportioned to the crimes committed. What shall we say in other cases where the tautology and circumlocution peculiar to the language of our law, the delay of judgment in the courts, and the tergiversation permitted through the whole proceedings, render it almost impossible for an honest man in midling life to obtain his right against a villain, without the utmost danger of being ruined? A man who robs on the highway is hanged—but a villian who robs by means of the chicanery, delay and expence of the law, escapes with impunity, and is applauded.

E.

*Observations on the conduct of Great Britain—Continued.*

### No. VI.

It may be well for the U. States calmly and closely to enquire and to consider what would have been the state of things between them and G. Britain, if the treaty of December had been perfectly satisfactory in in all its articles, and if it had been mutually ratified without the attempted British rider.

From the state of things in the month of December 1806, immediately before its date, and from the course and condition of things since and at present, we could not have expected, that it would have made any difference in the conduct of G. Britain, beyond the strict dictates of its component articles and provisions. In all those important, numerous and diversified cases and circumstances, which the treaty did not contemplate and which no treaty can embrace or effectually provide for, in all those cases resting merely upon the universal law of nations, we should remain subject to English operations founded on grounds like her stipulations of 1793 with Russia, covered by her act of the 17th June 1793 and its continuance in 1803, and exemplified in her orders of council from June 1793 to January 1807, with the fluctuating principles of her admiralty judges, and the habitual extortions of the other officers of those tribunals. If an effectual remedy for the aberrations of Britain from public law, could not be secured, a treaty, which would have left us open to a discretionary repetition of them, in virtue of the despotic pretension of the English crown, to make rules for the government of their country in the condemnation of our property, would have subjected us to the most serious evils. We should have been bound even in our own courts, by the law of nations and the ratified treaty, while an order of their King and Council would direct British captures and ensure British condemnations of our ships and cargoes. The repetition of the orders of June 1793, at the first moment in 1795, that it was supposed Mr. Jay's treaty was ratified, and the attempt in December last to release themselves from the obligations of the new formed treaty in the very act of signing it, too plainly instruct us what *what could and what would* be done. Unpleasing indeed is it to believe, that the general order of things in any foreign country is such as to forbid the hope—as to bar the possibility of a satisfactory arrangement with her. Yet such it is sincerely believed will be found to be the *factitious* state of things, which the several administrations and legislatures of G. Britain have created there, since the year 1791. This serious idea is not suggested as an attack upon her, but as an important reflection upon those historical truths, which have been submitted in these papers.

What then is to be done. It is easier for humble individuals, and even for able and responsible public men to see immense evils than to devise a cure. Yet the present case seems to call for one. The simple though vast evil of our situation is, that the *laws, which governed the republic of independent states before 1792 have been, since that period, in an uninterrupted course of infraction and suspension by the nation with whom our differences depend.* To bring things back to that sound and right state, which our mutual honor and interests require and admit,—*the restoration of the universal law of nations to its proper sanctity*, is all that is necessary. All without this will be nugatory for us and will issue in sure disappointment and new vexations, embarrassments and injuries. It is vain to hope for either peace or honor, or profit, while any foreign government undertakes to legislate for neutral states by a sole unauthorised executive order. The commercial spirit of England has been pampered with an inordinate quantity of the richest food. "*The single company of merchants of England*," for example, "*trading beyond the Cape of Good Hope*," have expelled all nations of the civilized world from the Peninsula of India, and have laid at the feet of its own stupendous trading monopoly eighty millions of the enslaved natives! England has annihilated the commerce of its European enemies in every sea, and turned its streams all upon itself. It has for several years fixed its eyes upon the trade of America, the merited reward of the political morality of our civil institutions and of our love of peace. We have lately seen or now examined the system, which England has devised to subject our persons, our ships and our cargoes to seizure and confiscation. The insufferable outrage on the frigate Chesapeake is but a single item in the list of British injuries. We desire not to inflame, but we should deprecate half cures for ancient inveterate and multiplied sores. Let not either England or America deceive herself with the hope of a real or permanent harmony, without a remedy, which will reach the whole disease.

If England shall not return to the ground of friendship and justice, under the law of nations, what is to be done? It may be wise calmly and thoroughly to consider the nature of our present intercourse and to discontinue such parts of it as may produce good effects on her without injuring ourselves. We may find it wise to prohibit the entry of all their ships both public and private—of all their rum—of all their East India cottons and silks—of all their woollen manufactures—their leather goods—their grain liquors—their silks and linens—their fine glass—and such other goods as careful reflection may suggest. We may forbid their subjects to trade—perhaps remain here—and in such manner mark our just dissatisfaction at their deportment to us.

We hear, upon every occasion of such suggestions, declarations that England will make war for such treatment. She shuts us out of every port she chuses, refuses all our manufactures, and much of our produce, presses our seamen, mulcts our lawful trade in her courts, violates our flag, and incessantly commits a long list of other wrongs, and if we adopt measures to shew our just displeasure or remedy the damage, she threatens war. She injures—often—much—deeply—variously, and will make war if you take measures of remedy! If England or any other country will so make war, we ought undauntedly to meet the conflict. But her government ought to take good care. Unjust and unprofitable wars bring public discontent. All the neutral states, all the impartial world must be against England, on this occasion, and with America. Her whole injury to us will be the plunder and suspension of our trade. We shall soon feed on hers in our turn. We shall take from her, with certainty, much of her present manufacturing system. We shall do much better than in the revolutionary war. Our country will be more comfortable and prosperous than any other, and we cannot help the loss of that honest and beloved place which England will, once more, have taken from us. Our operations against the dependencies of England will, if we are not mistaken, greatly surprize her in more than one quarter, and on more than one occasion.

In case of a war, *thus brought on against law, justice and reason by Great Britain*, she will fall into the deepest and most settled odium in this country. Ancient prejudices will be renewed. Former wounds will be again opened. New hatreds will arise. Never will true reconcilement grow again, in the lives of the present generation. The name of Great Britain has gone forth with much sensation to many nations. Peals of indignant resentment have reverberated from the coasts of the