NATIONAL INTELLIGENCER,

AND

WASHINGTON ADVERTISER.

VOL. VII. WASHINGTON CITY, PRINTED BY SAMUEL HARRISON SMITH, PENNSYLVANIA AVENUE. No. 974.

FIVE DOLLARS PER ANNUM. MONDAY, JANUARY 12, 1807. PAID IN ADVANCE.

(By Authority.)

AN ACT

Making appropriations for the support of the navy of the United States, during the year one thousand eight hundred and seven.

BE *it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That for defraying the expenses of the Navy of the United States, during the year one thousand eight hundred and seven, the following sums be, and the same hereby are, respectively appropriated; that is to say,

For the pay and subsistence of the officers and pay of the seamen, two hundred and ninety-six thousand and forty eight dollars:

For provisions, one hundred and twenty thousand eight hundred and fifty dollars and three cents:

For medicines, instruments and hospital stores, five thousand dollars:

For repairs of vessels, one hundred and ninety thousand two hundred and eight dollars, and sixty seven cents:

For freight, store rent, commissions to agents, and other contingent expenses, seventy-five thousand dollars:

For pay and subsistence of the marine corps, including provisions for those on shore, and forage for the staff, seventy eight thousand six hundred and seventy-eight dollars and thirty cents:

For clothing for the same, fourteen thousand three hundred and sixty dollars:

For military stores for the same, five hundred and sixty dollars:

For medicine, medical services, hospital stores, and all other expenses on account of the sick belonging to the marine corps, one thousand one hundred and fifty dollars:

For quarter master's and barrack master's stores, officers travelling expenses, armourer's and carpenters bills, fuel, premium for enlisting, musical instruments, bounty to music, and other contingent expenses, eight thousand one hundred and forty-five dollars:

For the expense of navy yards, comprising docks and other improvements, pay of superintendants, store keepers, clerks and laborers, sixty thousand dollars:

For ordnance, fifty thousand dollars.

SEC. 2. *And be it further enacted,* That the several sums herein specifically appropriated shall be paid out of any monies in the Treasury not otherwise appropriated.

NATHL. MACON,
Speaker of the House of Representatives.

GEO: CLINTON,
Vice-President of the United States, and President of the Senate.

January 7, 1807.

APPROVED,
TH JEFFERON.

From the Kingston Chronicle.

The following is the Translation of an

ADDRESS OF THE GOVERNMENT OF HAYTI, TO THE MERCHANTS OF NEUTRAL NATIONS.

The inhabitants of Hayti had scarcely thrown off the yoke of French tyranny, than they have again been obliged to destroy another Hydra, whom they nourished within their own bosoms. At present, however, all their cares are turned to the culture of those valuable productions, which the merchants of Europe seek at an immense expence in the remotest parts of the globe.—Our constancy has procured us in the greatest profusion, a suitable remuneration for our several labors. The riches of our soil offer to your speculations the most profitable and happy perspective. Our stores, full of all the productions of the Antilles, wait only for the arrival of your fleets to exchange the manufactures we require, with those you are desirous of obtaining. If a system contrary to the advancement of commerce has hitherto existed, that disastrous influence will now be done away. The deceit has completely failed. The phantom has disappeared, and with it have vanished all the fatal illusions with which it was surrounded. Far from placing any obstacles to the freedom of commerce in our ports, the new government offer to you greater advantages than any other nation can afford. The flags you trade under will never be attended to. The guarantee of your property; your personal safety; and the observance of the most rigid justice, in our concerns, shall be assured to you on the faith of government. Wise and permanent regulations; privileges equal to the difficulties you may have to encounter in entering our ports; dispatch in expediting your vessels, and men of integrity at the head of the public offices:—These are the changes which have taken place, and on which you can rely. Government is well convinced that commerce can never exist unless advantages are reciprocal. Under this idea, therefore, they have already suppressed patent consignments, the duties on the price of produce, the privileges granted for the sale of coffee, as well as the obligations for forced shipments of sugar, cotton, &c. Every person shall be free to act as best suits his interest in his speculations. The regulations above mentioned, formed by ignorance, will no longer impede the extent of your speculations. You will no longer be shamefully obliged to place your confidence in the individuals, as unknown to yourselves, as they were to the good of their country. Your friends, your own factors, will have the charge of your properties, and government engages to give them all the protection and encouragement in their power.—The sanguinary proceedings which have but too much marked the commencement of an attrocious reign, will no longer excite your indignation and disgust by the renewal of the melancholy scenes that are passed. Come then with confidence; trade to our ports; exchange the fruits of your industry for our riches; and be assured that in trusting to our promises you will never find your confidence to have been misplaced. Thus, at the same time, that government uses its efforts to procure for you the advantages of a lucrative trade, it expects from your agents, in return, the same friendly dispositions and good faith which it will ever observe towards you. It fully relies, also, that the base and despicable conduct of the owners of a vessel called La Louisiana, will not find any imitators among you, nor afford government reason to regret having placed full confidence in your honor and integrity.

The ports of entry are the following, viz. the Cape Fort Dauphin, Port-de-Paix, Gonaives, St. Marc, Port-au-Prince, Aux Cayes, Jeremie, and Jacmel. To these ports you will have it in your power to direct your shipments with safety, and with the certainty of obtaining advantageous returns:—The well known correctness with which government fulfils its engagements, is a solemn pledge that the treaties which will be formed with you shall be duly and rigidly attended to. Notwithstanding the misfortunes that have preceded our independence, and the disastrous wars that have been the consequence of it, the resources of government have always been on a level with its necessities.—Such is the astonishing extent of our resources, that even the vices and extravagance of the late administration have not prevented the fulfilment of our engagements. Judge then what will now be our expectations as well as your own, when prodigality shall be succeeded by a plan of wise economy, and when a just appropriation of the resources of the country has fixed the rights of government, and confirmed those of the individuals? Hasten then to avail yourselves of the advantages which these favorable dispositions offer to you—and which our mutual relations cannot fail of establishing on a solid foundation. Be not afraid of having your expectations of certain profit disappointed, whatever may be the number of your vessels trading to our ports, or however extensive your speculations may be; an abundant crop, and produce of every kind already manufactured, await your arrival, and you are assured of meeting with a quick and ready disposal of your adventures.

Done at the Cape, the 24th Oct. 1806.

The chief of the government of Hayti.

Signed,
HENRY CHRISTOPHE.

By his excellency the Secretary of government.

Signed,
ROUANEZ, the Younger.

From the Western World of Dec. 18.

COL. BURR BEFORE THE FEDERAL COURT.

The judge read his charge to the grand jury, which was no way important, only as it appeared to conclude without acknowledging the right of the United States' attorney to go out with the grand jury and assist in the examination of witnesses; and the giving the jury particular directions not to receive any matter upon information—nor to let their enquiries extend beyond the limits of the state, by which, we suppose, the honorable judge meant the hither shore of the Ohio, and would of course exclude all the Pittsburg, Marietta, Cincinnati and Jeffersonville business. Mr. Daveiss then stated that two material witnesses had not made their appearance. He observed that John Adair and Mr. Luckett, were absent, and that he could not proceed without them—that this was a business of the utmost importance, and he would not hazard the issue by going on in the absence of these two witnesses. Mr. Henry Clay, who appeared in conjunction with Mr. John Allen as the counsel for Col. Burr, rose, and in reply observed, that Col. Burr was only apprehensive of delay, that it was painful, and particularly irksome to be obliged perpetually to dance attendance upon such a charge in that court.

Mr. *Daveiss* perfectly understood the drift of the gentleman. Let the jury go out continued Mr. D. and under the present circumstances, in the absence of these important witnesses, the charges not being proved, they imagine to themselves a triumph. The grand jury have been called upon a particular occasion, to enquire into a subject which immediately affects the welfare of our country. This is no common case, and should therefore not be too hastily disposed of. Mr. Clay complains of the painful inconvenience of Col. Burr's dancing a perpetual attendance upon the court. Who asked him to dance an attendance? Who has solicited his presence in court? His appearance here is entirely voluntary; and I will venture to say illegal. In case of indictment no counsel can be legally heard or recognized by the court until the indictment is found by the jury. This is the practice which has universally prevailed in this country heretofore, and I believe every where else—I therefore trust that I shall not again be interrupted in my proceeding. I hope there will be no farther interference on the part of Colonel Burr and his counsel, until they can be legally in court.

There are a number of indispensible witnesses in this case; and general Adair is one, without whom I cannot proceed. The enquiry now before the grand jury is such as to require the testimony of each witness in order to connect the chain of evidence necessary to produce conviction. The object must be distinctly and perfectly understood. The materiality of the testimony of general Adair, induces me to apply to the court, and request they will direct the grand jury not to proceed without him.

Mr. *Clay* was only desirous (he said) that the attorney for the United States would pursue what the law of the land warrants. Something has been said, continued Mr. Clay, about Col. Burr's presence not being necessary; and will Mr. Daveiss tell me this after what has already passed? Is his name to be mentioned, and is he not to appear because there is no process, no deputy marshal directed to take his person?

Mr. *Daveiss* replied to the court nearly in the same manner as before; and stated his right of going on in the business as directed by law, and his own judgment, and observed that by him, Col. Burr nor his counsel were considered in court, and he should proceed as though they were not, as he deemed any interference by them highly improper. He also slightly mentioned his right to examine witnesses before the grand jury.

Mr. *Clay* observed, he understood the constitution of a grand jury to be very different.—He should never cease (he said) to contend for the liberty of the country. All at once continued Mr. C. the office of public attorney springs into an importance which never before was heard of. I appeal to the practice of every other court whether or not the public attorney has the privilege now contended for? I take the functions of the grand jury to be these, to send for what witnesses they please, and examine whom they please. They ought to retire and enquire of the proper persons to send for.

Mr. *Daveiss* said, that respecting the grand jury, he was the proper agent and certainly acted under the auspices of the court, and he hoped the court would agree with him in opinion. He then moved for an attachment against general Adair, for non-attendance. This was opposed by Mr. Clay, on the grounds that no hour had been mentioned in the summons, and consequently the attachment could not issue during the whole day to which he was summoned, until Wednesday morning; in which objection he was supported by the opinion of the judge.

WEDNESDAY, DECEMBER 3.

Mr. *Daveiss* rose and stated to the grand jury, that they might call on him, if they thought proper, to assist them to examine witnesses; and was proceeding to make some remarks to the foreman, when Mr. Clay interrupted him, and addressing the court, observed, that the privilege contended for by Mr. Daveiss, was a novel one, and he hoped the court would not grant it.

Mr. *Daveiss* saw nothing novel, nothing out of the common mode of procedure, except the conduct of Mr. Clay. He confessed there was something novel, and something extremely singular and unprecedented in the proceeding had in this business. No person, continued Mr. D. has a right to call me to order in this proceeding, but the judge himself. Upon what ground then, am I now interrupted? I have once stated, and I had hoped gentlemen have understood me, that the trial, until an indictment was found, must be entirely ex-parte; that no counsel, except the U. States' attorney could be listened to, or legally recognised by the court. I am therefore surprised to see col. Burr and his counsel still present themselves in court; and more so, when interrupted by them, in the discharge of my duty, and called to order. He hoped the judge would permit him to proceed.

Mr. *Clay* said, he appealed to the practice of other courts—yesterday his honor addressed the public attorney on this subject—he was willing to give up the point if either equity or law appeared in his favor; but he was confident that neither would warrant the demand of Mr. Daviess.

Mr. *Daveiss.* Although (said he) I respect the jury and believe they will do what is right, yet I believe they are ignorant of the plan—they possess no detail of themselves. He said the most studied attempts to cut off all investigation had been made on the part of col. Burr and counsel; observe the proceedings before this court; see the opposition made to every measure I attempt; then mark the course of proceedings among the people, and say who will, that the object is not to prevent that full and fair investigation which would promise success? Mr. Clay still called it a novel proceeding. He again repeated he saw nothing novel except the appearance of col. Burr and counsel in court, and thrusting themselves forward to be heard, when the court in, strict legal justice, could not know them in that capacity. He hoped the court would not hamper him or suffer col. Burr's counsel to interfere in the present case.

Mr. *Allen* declared his right to be heard on this occasion, and he was indifferent in what capacity he was considered. He wished the grand jury to attend to the spirit of the constitution. The right (he said) for which the public attorney contended was of the most serious nature, and if allowed would effect in a material degree the rights of the citizen. In matters of fact, Mr. Allen, said the public attorney had no right to appear; it was solely in matters of law that his presence is necessary. Even in the government of England this is the case, and much more should it be so in the United States, where our constitution is much more explicit and better defined.

Mr. *Clay* cared not in what attitude he should be considered as standing; but he would instantly renounce colonel Burr and his cause, did he entertain the slightest idea of his guilt, as to the charges exhibited against him by Mr. Daveiss. You have heard of inquisitions in Europe, (said Mr. Clay) you have heard of the screws and tortures made use of in the dens of despotism, to extort confession; of the dark conclaves and caucuses, for the purpose of twisting some incoherent expression into evidence of guilt. Is not the project of the attorney for the U. States, a similar object of terror? But all will not do; all the art of the attorney will not effect his purpose. I call upon him to produce a single instance where the public attorney has been accustomed to examine the witnesses before the grand jury, to sound the jury and enter into all their secrets

Mr. Daveiss. Should the court agree with the counsel of col. Burr, I shall consider it as completely smothering all the testimony, and the jury will go into the examination hoodwinked. Upon a former occasion, when it was known I could not proceed, Mr. Burr was grieved to the heart, that I could not. He appeared in court, and bewailing his fate that I had not proceeded before the grand jury, and addressing the people, prayed in future that they would pas no opinion hereafter till he was heard in his own defence. What follows? I get better prepared—call for another grand jury; expresses dart through the country from Mr. Burr in all directions—the grand jury comes; and before it, comes Mr. Burr—for what? To challenge enquiry? No sir, no, it is to stifle it—it is to display vast management in precluding investigation. An attempt was even made this morning to get the pannel of the grand jury altered. The innocence Mr. Burr tries for, is an exemption from punishment; but this is desired to be got with as much eclat as possible. Great cries of persecution against the innocent Mr. Burr, are stored up ready to issue against me if the event will justify. But public clamor although very unpleasant, never shall alter my course; for after the information I have received, and on which my mind implicitly reposes, even what I have heard from that gentleman, though the whole community should cry out against me, and run after this adventurer, yet I would stand as a rock left by the ebbing sea, ever confident that a little time more would find me again surrounded by the flood.

Mr. Clay declares his confidence of the innocence of the accused. I was in hopes after this, that he would have renounced all attempts to stifle enquiry: for if there is no scheme, my examination cannot make the witnesses swear there is one—if there is an enterprize, my enquiry may develope it.

Col. *Burr* rose and addressed the court—he said he was willing to submit to every right for which the public attorney contended, that was sanctioned by law and equity; but that he regarded the rights of a citizen in the strongest light, and should not submit to any infringement whatever upon those privileges to which every citizen was entitled. He himself he said had been the public attorney of another state; but never in one instance did he exercise the right of examining witnesses before the grand jury. He expatiated upon the stories that had been circulated about himself, and declared their falsity. He said it had been reported that three boats loaded with men, provision and arms had descended the Ohio, belonging to him—he said they were not his, and ultimately proved to be the boats of some families who were moving; and the one with guns, were the property of Mr. Berthoud of Louisville. He declared in unequivocal terms his innocence.

The judge delivered his opinion, that it had been the practice of every court with which he had been acquainted, for the public attorney never to examine witnesses before the grand jury; but if the jury were doubtful of any matters relating to law, that they should invite the public attorney to come before them and explain them. He had been a public attorney, and he never examined witnesses before the grand jury, during his continuance in office.

Some by conversation here took place between the judge and Mr. Daveiss, in the course of which Mr. Daveiss stated to the judge that on a former occasion he had given it as his opinion that the public attorney had a right to examine the witnesses before the grand jury. His honor very briskly replied that the opinion spoken of by Mr. Daveiss was given out of court. Mr. D. acknowledged it was, but nevertheless, as it was given after his motion against Mr. Burr was made, he considered the same opinion would also be given in court. He went on to remark that unless he had been convinced by that opinion, that the judge would acknowledge his right as attorney for the U. States to examine witnesses before the grand jury, he never would have run the country to the expence of calling a grand jury. The judge observed, that opinion was out of court, and of course no way binding on the court. Of course the jury examined the witnesses without the aid of Mr. Daveiss, and under the peculiar restrictions in the judge's charge.

I could but remark something in the manner and decisions of the honorable judge, which induced me to believe, his mind was not as free from bias as it should be. Every act, every determination he gave, went to prove he felt deeply interested in the acquittal of col. Burr. A predetermination to thwart the proceedings of Mr. Daveiss, and hamper enquiry as to col. Burr, was plainly visible to the physiognomist, in every line of his face; and to the close observer in his every act. It will be remembered by my readers, that the judge had but a few days previous to this, on examination before the committee appointed to enquire into Sebastian's conduct, deeply implicated himself, in a former attempt to separate from the union, and even admitting the judge was clear of any connection with Burr's scheme, (for the sake of argument) he must have had a fellow feeling for so *great, good and persecuted a man,* who is now engaged in an enterprize against the interests of his country. I would not wish to be understood as acquitting judge Innes of being engaged in the scheme of disunion, with col. Burr; far be it from me to give celebrity to an opinion so very different from the one I entertain, in the face of circumstances which are certainly calculated to generate suspicion in the bosoms of the most unsuspecting. Some of them are even worthy the serious attention of the people, and I conceive myself bound, as an impartial editor, to give them to my fellow citizens, who, from their remote situations, are deprived of a personal knowledge of what is going on, at the seat of government. During the time col. Burr lay under the ignominy of the charges of the attorney for the U. S. col. Innes and Burr were almost constantly together of an evening, at John Brown's, and the moment the grand jury returned without finding a true bill, preparations were gone into, and a ball was given to col. Burr, at which the families of judge Innes, and John Brown attended, even to a child; but when a ball was given in honor of the union, not one of them attended—not because they were not prepared, for on the same evening they attended a party at George Greer's, a merchant of this town; who, it may be requisite to remark, was himself from home. These circumstances, when combined with the judge's explosion before the committee who sat on Sebastian, have a tendency to convince my mind, that some improper motives, which lay concealed, like col. Burr's projects, beneath the veil of uncertainty, have operated on this honorable judge. The people will determine; it is only my province to lay before them information which I deem important, with my remarks, and they must ultimately decide and determine the innocence or guilt.

When the grand jury returned their finding, and very remarkable and unprecedented address into court, Mr. Allen rose, and desired leave to copy it, that it might be published; for he felt uneasy himself, as men with whom he was intimate were implicated. He desired therefore that it might be taken out, to shew that there was no shadow of suspicion.

Mr. Daveiss said, he fully assented to the copy and publication. I know,