mestic coercion, strongly implies that there is at least a *levying* of war against the U. S. He is authorised by law to do so in two cases only. The first is that of an actual insurrection against any state. The second of actual opposition to the laws by *combinations* too powerful to be suppressed by the ordinary course of judicial proceedings. The last case may perhaps extend to instances of opposition to the laws, by combinations not treasonable in their nature, nor proceeding to the length of levying war against the U. S. It may comprehend the case of unlawful assemblies of men, who violently resist and overbear the due course of legal justice, but who from the nature of their designs and ultimate object, are no further criminal than as rioters and disturbers of the peace. As to the degree of the crime committed by Burr and his associates, it is either *treason* or nothing. The treasonable *intent* is sufficiently demonstrated; if they have proceeded to the execution of that intent, they unquestionably have incurred the penalty of treason. There can be no pretence that they are merely a combination of rioters, assembled to obstruct the due execution of the laws. The act of Congress authorising the President to call forth the militia, furnishes one important principle applicable to this case. He can only exercise that power in case of actual insurrection, or actual opposition. No plot or conspiracy how nefarious, how menacing and dangerous soever, can authorise the measure, unless some overt act is done in execution of the design. So long as it remains a mere unexecuted purpose; if it even menaced the enormous evil of destroying the union of these states, or the still more inexpiable crime of overthrowing our republican institutions and erecting in their stead a monarchic form of government, or a military despotism; till some overt act in execution of the treasonable design is committed, till the insurrection is actually commenced, the public safety must be confided to the civil restraints and preventive remedies within the province of the courts, where the commission of treason, or in other words the "levying of war" commences, there commences the right of the executive magistrate to use military means for the suppression. The existence of the crime of the traitor is correlative with the right of the magistrate. The more strictly the act of "levying war" is confined to cases of actual violence, of *flagrant* war; in the same degree is the power of the President to call forth the militia limited—until in the extremes of this strictness he might behold armies quietly organised and put into complete military array; he may behold the uplifted arm of treason ready to beat down every thing sacred in the constitution; yet must he await all the chances of a fatal blow—he cannot anticipate it by drawing the public sword in defence of the common safety.

The remaining objection relates to the degree of credit this court can give to the common report of a rebellion, authenticated by the public and official communications of the President to Congress. Be it remembered that this is not relied on as being evidence upon the definitive trial of the prisoners when their life or death is at issue; but merely as a matter of public notoriety, of which all courts and magistrates may take notice and *prima facie* presume the existence of such a state of things, for the preliminary purpose of issuing warrants or other process initiative to a prosecution by indictment. The constitution expressly prescribes it to the President as a duty, that "he shall, from time to time, give to the Congress information of the state of the union." To give information of an existing state of rebellion, or of "levying war," is clearly within the terms of that duty. Common report, thus authenticated, must surely satisfy the terms "probable cause" used in the 6th article of the amendments—if the requisite of that "probable cause" being "supported by *oath* or *affirmation*," is strictly insisted on; it should be remembered that all the functions of the President are performed under the sanction of a solemn oath. The "probable cause" is further *supported* by the oath of general Wilkinson, who swears that one of the prisoners, an acknowledged confederate in this conspiracy, informed him on the 30th November that Burr would be at Natchez on the 20th December with 2000 men, to be followed by 4000 more, and that he could have raised 12,000 as easily as 6000, but did not think so great a number necessary. It may be very reasonably and naturally inferred from this information, when the dates are compared, that at least the 2000 men must have been already enlisted on the 30th of November.

Mr. Jones then offered the following motion:

The United States attorney for this district appeared in court, and informed the court that Erick Bollman and Samuel Swartwout had been seized in one of the territories of the U. S. by orders of the commander of the army of the U. S. as persons engaged in treasonably levying war against the U. S. that the persons so seized were, during the last night, brought into this county under a military guard, and were yet detained under guard until they could be proceeded against in due course of law;—that the Secretary of War had immediately issued written orders to the officers of the guard, to deliver those persons, on demand, to the marshal of this district;—and the marshal now waited for legal authority to take charge of them. Wherefore the U. S. attorney moved the court to issue a warrant to arrest the said Erick Bollman and Samuel Swartwout, on a charge of treason, in order that they may be brought before the court and examined, and committed, or otherwise dealt with according to law. And in support of his motion the U. S. attorney read to the court the depositions of James Wilkinson, brigadier general and commander in chief of the armies of the United States, which depositions are filed in this court.

All which being read and heard, the court took time till to-morrow to consider of the said motion.

No business of national importance has been transacted in the House of Representatives for the last two days.

Agreeable to order of court, Messrs. Bollman and Swartwout were again brought up, on Wednesday morning. In consequence of the indisposition of Judge Fitzugh, the court waved hearing counsel on the motion to commit, until the next day.

Yesterday counsel were heard on this motion.

Mr. Key opened on behalf of Messrs. Bollman and Swartwout.

Mr. Jones replied.

He was followed by *Mr. Lee*, on the part of the accused, who closed his argument about 10 o'clock in the evening; when the court adjourned.

The *Attorney General* (Mr. Rodney) will close the argument this day.

We understand that the Senate have postponed the further consideration of the bill authorizing the erection of a bridge across the river Potomac until the next session of Congress—Ayes 17—Noes—16.

Message from the President of the U. S. transmitting further information relative to the conſpiracy.

To the Senate and House of Representatives of the United States.

By the letters of captain Biſſel, who commands at fort Maſſac, and of Mr. Murrell, to general Jackſon of Tenneſſee, copies of which are now communicated to Congreſs, it will be ſeen that Aaron Burr paſſed fort Maſſac on the 31ſt of December, with about ten boats navigated by about ſix hands each, without any military appearance; and that three boats with ammunition were ſaid to have been arreſted by the militia at Louisville.

As the guards of militia poſted on various points of the Ohio, will be able to prevent any further aids paſſing through that channel, ſhould any be attempted, we may now eſtimate with tolerable certainty the means derived from the Ohio and its waters, towards the accompliſhment of the purpoſes of Mr. Burr.

TH: JEFFERSON.

January 28, 1807.

NASHVILLE, *Jan. 8th*, 1807.

GEN. ANDREW JACKSON,

SIR,

I received your instructions, dated the 2d inst. and agreeable thereto I delivered your letter, addressed to general Thomas Johnson, to colonel Cheatham, and it was forwarded to him immediately. I arrived at Centerville on the 4th inst. heard a report there that col. Burr had gone down the river with one thousand armed men; arrived at the mouth of Cumberland river that evening, and made enquiry concerning col. Burr, and was informed that he left that place on the 28th of December, 1806, with ten boats of different descriptions, had sixty men on board, but no appearance of arms. I left there on the 5th inst. and arrived at fort Massac that evening, delivered your letter to captain Bissel, and received his answer; made some inquiries of him, and was informed that col. Burr had left that place on the 30th of December, 1806, with ten boats. He likewise informed me that he had been on board the boats and seen no appearance of arms or ammunition. On my return to the mouth of Cumberland river, I was informed that three boats had been stopped at Louisville, with a quantity of ammunition. There are about fifty men stationed at the mouth of Cumberland, under command of colonel Ramsey.

I remain with the highest esteem,

Your's,

(Signed) JOHN MURRELL.

FORT MASSAC, *Jan. 5th*. 1807.

SIR,

This day per express, I had the honor to receive your very interesting letter of the 2d inst. and shall pay due respect to its contents. As yet I have not received the President's proclamation alluded to, nor have I received any orders from the department of war, relative to the subject matter of your letter.

There has not to my knowledge been any assemblage of men, or boats, at this or any other place, unauthorized by law or presidency; but should any thing of the kind make its appearance, which carries with it the least mark of suspicion, as having illegal enterprizes or projects in view, hostile to the peace and good order of government, I shall, with as much ardour and energy as the case will admit, endeavor to bring to justice all such offenders.

For more than two weeks last past, I have made it a point to make myself acquainted with the loading and situation of all boats descending the river. As yet there has nothing the least alarming appeared. On or about the 31st ultimo, col. Burr, late Vice-President of the United States, passed this with about ten boats of different descriptions, navigated with about six men each, having nothing on board that would even suffer a conjecture more than a man bound to market. He has descended the rivers towards Orleans. Should any thing, to my knowledge, transpire interesting to government, I will give the most early notice in my power.

I have the honor to be,

Respectfully,

Sir,

Your obedient servant,

(Signed) DAN. BISSEL,

Commanding captain.

GEN. ANDREW JACKSON,

Nashville, Tennessee.

Extract of a letter dated Natchitoches, December 20, 1806.

"Ere this reaches you, you no doubt will be fully informed of the termination of differences in this quarter; it will therefore be unnecessary for me to say any thing on the subject, except that every thing is perfectly tranquil, & both governors Cordero and Herrara, are gone to St. Antonio. The latter, it is said, is to return to Nacogdoches after conferring with the captain general Salcedo who ordered him to meet him there."

Extract of a letter from a gentleman of the highest respectability to a member of Congress, dated Nashville, 8th January 1807, noticing the measures adopted by the *General Officer*, commanding the western division of that state, to whom dispatches had been sent by the Executive of the U. S. relative to Burr's conspiracy.

"*The General* knowing his duty was determined to act, and if proof could be obtained, to stop all boats with warlike stores, or military preparations—He ordered 12 companies of volunteers with Gen. ——— to command, to hold themselves in readiness to march, and dispatched a confidential messenger to the mouth of Cumberland river with special instructions, and to proceed to fort Massac, with a letter to captain Bissle. The messenger has returned, and from him and captain Bissle's answer, it is stated, that col. Burr left Massac about the 1st inst. with 10 boats with about six men to each, without arms or any military stores. The volunteers on this occasion did honor to themselves and to their country. Figure to yourself, Gen. R——— as captain of such men as Gen. O———, Major T———, &c. &c. all old veterans, and over fifty, tendering their services to their general and their country. The general ordered the militia to return to their homes and be ready to march at a moment's warning."

From the N. Y. Commercial Advertiser.

Prize Medal.—With the view of exciting an honorable and useful competition among the engravers of our country Messrs. COLLINS & PERKINS, having selected several of the most eminent in their profession, gave to each a subject to engrave, and offered a Gold Medal for the best.—When the plates were finished, they were submitted to the examination of the President and Directors of the American Academy of Arts.—The opinion of the board as to the collective merits of the whole, and the comparative excellence of several is expressed in the following letter from col. Trumbull.

We cannot here omit to remark that Meſſrs. Collins & Perkins, in conſequence of this liberal effort to advance the art of engraving in our country, by calling forth the ableſt exertions of the beſt talents, have procured, for their correct and elegant Bible, a collection of plates much ſuperior to any before executed in America. If publiſhers, generally, would offer ſimilar incentives to the exertions of the artiſt, while their own intereſt would be advanced, one of the moſt valuable of the Fine Arts would be patronized & improved by the foſtering hand of private munificence.

New-York, Jan. 3.

Meſſrs. Collins & Perkins,

Gentlemen—Your letter of the 2nd inſtant, together with the ſpecimens of engravings, executed in this country, for your Bible, to which it referred, was duly received, and conſidered by the directors of the Society of Arts.

I am charged, Gentlemen, to convey to you the expreſſion of the high ſatiſfaction with which the directors viewed theſe ſpecimens of rapid improvement in the art of engraving; and to ſay that while all are juſtly to be regarded as honorable evidence of the exertions of the ſeveral competitors, they cannot refrain from expreſſing the very particular pleaſure with which they viewed *The St. Paul (a) The Providence, (b)* and *The Holy Family (c)*—

The works of native American artiſts (two of whom are unaſſiſted by any advantage from foreign education) and all of which muſt be deſervedly conſidered as unequivocal evidences of great talents, and ſure promiſes of early, and future excellence.

While the directors beſtow this juſtly merited applauſe upon the gentlemen, who executed the three plates before mentioned, juſtice requires that they ſhould adjudge your medal to the engraver of *The Finding of Moses (d)* whoſe ſuperiority on this firſt competition was naturally to be expected, from the ſuperior advantages which he has enjoyed, in receiving his profeſſional education in Europe.

The directors hope that other opportunities of competition, laudable as that which you have given, will ſoon occur, to call forth new exertions of genius and induſtry. And judging from the firſt exhibition, they cannot but indulge the hope of ſoon ſeeing this branch of the polite arts carried to a degree of perfection in America, which ſhall excite the ſurprize & even the emulation of Europe.

I have the honor to be, &c.

JOHN TRUMBULL.

(a) Tiebout. (b). Fairman. (c) Maverick, jun. (d) Leney.

New-York, Jan. 25.

Captain Franklin, from Jamaica, has politely favored us with Kingſton papers from that place to the 20th ult. incluſive. They furniſh only the following, with a few articles for the marine liſt. It will be ſeen that a Britiſh ſquadron of five ſail of the line, ſix frigates and 5000 troops had arrived at St. Bartholomews, and that Curracoa ſurrendered to the Britiſh arms on the 2d December.

KINGSTON, (Jam.) Dec. 20.

Captain Stephens mentions that ſeveral veſſels had anchored at St Bartholomews, from Barbadoes, Martinique, and Gandaloupe, bringing accounts of the arrival of five Britiſh ſhips of the line and ſix frigates at the firſt mentioned iſland, with a conſiderable number of troops on board (ſtated to be 5000), but for what deſtination was unknown.

The American ſchooner Sally, Cambleton, from St. Thomas's bound to Baltimore, with coffee put into Port-Royal the ſame evening on account of ſickneſs amongſt the crew.—On the 5th inſt. ſhe ſpoke a Daniſh ſchooner from Curracoa bound to St. Thomas, and was informed that the former iſland was ſurrendered to the Britiſh on the 2d inſtant.

New-York, January 26.

Capt. Robbins, of the sch. Safeguard, left Curracoa on the 29th of Dec. and contradicts the reports of its being taken by a British squadron. He says that no British ships of war were off the port at the time of her sailing.

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20 Dollars Reward.

RANAWAY from the ſubſcriber the 21ſt day of December laſt, a dark mulatto negro man, named JOE, 30 years of age, about 5 feet 5 or 6 inches high, a ſmall ſcar on his forehead, occaſioned by a fall, his cloathing were a white round negro jacket, coarſe oznabrig ſhirt, in common wears it very dirty, white kerſey trowſers which fit him tolerable tight, a fur hat pretty much worn, coarſe gray ſails ſtockings, & coarſe round toed ſhoes, made brogue faſhion with no ſeem behind. Any perſon takes up ſaid fellow and delivers him ſafe to me ſhall receive the above reward and all reaſonable charges paid by Leonard Soper living in Prince Georges county within ſix miles from the city of Waſhington.

LEONARD SOPER.

January 30—3t

NOTICE.

BY order of the Orphans court of Waſhington county the creditors of Alexander Robinſon, late deceaſed, are requeſted to hand in their accounts to David Watterſton and James Maitland, on or before the 13th of March next. Thoſe who do not exhibit their claims will be excluded.

DAVID WATTERSTON,
JAMES MAITLAND,
GEORGE BLAGDEN, } Executors.

January 30—4t

FOR SALE,

WILL be ſold at Public Sale on Saturday the 21ſt day of February next on the premiſes for ready caſh only, the following five Tracts of Land; Riley's Chance, Appenine Hills, Harriſon's Delight, addition to Hicks, and Let no man deceive you—late the property of Kinſey Gillings of Benjamin, taken by writ of fi. fa. at the ſuit of Nicholas Brewer uſe of Leonard H. Johns.

Sale to commence at 12 o'clock.

JOHN FLEMING, Sheriff of Montgomery county.

January 30—3t

Diſtrict of Columbia, Waſhington county.

I hereby certify that John Johnſton brought before me this day two COLTS, as treſpaſſing ſtrays; one a horſe about four years old, has never been broke; he is a black with a ſtar on his forehead, about 13 hands high; the other a mare about three years old, of a dark bay color, two hind feet white, about 13 hands high, and alſo has never been broke.

Given under my hand this 23d of January 1807.

SAM. HAMILTON.

January 20—3t

Fifty Dollars Reward.

FOR apprehending RICHARD GOTIER, who broke jail laſt night. He was committed on his confeſſion of paſſing counterfeit checks; he is about 5 feet — inches high, fair complexion, light hair, grey eyes, very much pitted with the ſmall pox, and pretty much round ſhouldered. He was a ſailor in the United States' ſervice, had a blue ſailor jacket and trowſers, a long blue coat, ſeveral white linen ſhirts, a pair of ſhoes and a very good black hat. The above reward will be given for apprehending and ſecuring the ſaid Gotier in any jail and giving me information thereof.

DANL. C. BRENT,

Marshal of the district of Columbia.

December 8—2awtf

LOTTERY

OF ST. PAUL'S PARISH, BALTIMORE.

THE Managers of this Lottery intend to commence the drawing on the firſt Tueſday in January, and to draw 1000 tickets every week, till it be completed. Tickets may be had, till the drawing commence, at the original price of FIVE DOLLARS, of either of the Managers, in Baltimore.

Prizes in the Precincts Market House Lottery of Baltimore will be received in payment.

Orders, addreſſed to any of the managers, conformable to price of the tickets annexed will be duly attended to

SCHEME.

			DOLLS.
1	Prize of		10,000
1			5,000
2		2000	4,000
3		1000	3,000
8		500	4,000
15		200	3,000
30		100	3,000
60		50	3 000
120		20	2 400
700		10	7 000
5100		6	30,600
6040	Prizes.		75 000
11960	Blanks.	Sum raiſed including expences,	15 000
18000	Tickets at five dollars each		90,000

There are not two blanks to a prize. The prizes will be paid, without deduction, at the end of ſixty days from the completion of the drawing; and ſuch as may not be demanded within twelve months after, will be conſidered as generous donations to the objects of the Lottery, the chief of which is the erection of a new parſonage houſe.

The firſt drawn ticket will be entitled to 500 dollars, and the laſt to 2000 dollars, beſides which there are ſeveral other ſtationary prizes.

John Merryman,
Mark Pringle,
James Carroll,
William Lorman,
George Grundy,
Isaac Philips,
George Hoffman,
Govert Haskins, } Managers.

Baltimore, Nov. 12—2awtf

☞ The poſtponement ariſes from the inability of the clerks to be ready in time.

LAND FOR SALE,

By the Subſcribers.

IN Northumberland county—800 acres called Exeter Lodge, reſidence of the late Col. John Gordon; good farming land, adapted to the growth of corn, wheat and tobacco. On this tract which lays on Yeocomico, a branch of Potomac river, there is a large brick dwelling houſe, within 200 yards of navigable water, abounding with oyſters, equal to any in Virginia; fiſh and wild fowl in abundance, and remarkably healthy ſituation.

In Fauquier county—about 200 acres wood land, adjoining Mrs. James and Mr. Euſtace, near Elk Run Church.

In Caroline county—2700 acres, being part of what is called Beverly Chace.

In Spotſylvania county—100 acres wood land, adjoining Col. Joſeph Brock, Meſſrs. J. Brock and S. Schooler. Alſo, the middle tenement in the brick buildings in the town of Fredericksburg.

In Culpeper county—960 acres, joins Landon Carter, eſqr. farm on Rappahannock river, at Norman's Ford—815 acres, adjoining Wm. C. Carter, eſq and Col. M. Green. Two thirds of this tract is in wood, and the whole of equal quality to any high land in the county. Alſo about 1100 acres in the Little Fork, laid out and rented in ſmall farms.

In Albemarle county—that elegant and well known place called Blenheim; containing, by a late ſurvey, 1900 acres, which will be ſold altogether, or divided in Lots to ſuit purchaſers.

The whole or any part of the above property will be ſold on very low terms, payable one third in caſh or country produce, on giving deeds; and for the balance long credits will be given, payment being ſecured on the property.

COLIN & JAMES ROSS.

wFredericksburg Virg. Dec. 12—

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

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

Teſt, TRUEMAN TYLER,

Regiſter of Wills for Prince George's county.

December 8—wtA13

CYCLOPEDIA.

DANIEL RAPINE,

New Jersey avenue, Capitol Hill,

RESPECTFULL informs the patrons to Dr. REES'S NEW CYCLOPEDIA, that the Second part of the Second Volume is now ready for delivery, and begs the ſubſcribers will ſend to his ſtore for their copies. Thoſe who encouraged the undertaking in the firſt inſtance and have never received any part of the work, will confer a favor on the publiſhers by ſending for the four half volumes now publiſhed.

FOR SALE AS ABOVE,

Dr. Wheaton's genuine PATENT BITTERS for Jaundice and Bilious complaints—price 50 cents.

Dr. Wheaton's patent ITCH OINTMENT, which is a certain cure for that tormenting diſorder—No waſhing is required after the uſe of it—price 50 cents.

January 23—