have no sale in them for a hundred years. It is our policy to sell them as soon as possible. The resolution before us proposes to sell land to the company, and to receive payment in their stock.

There can be no question as to our right to sell the land for their stock. We have given it for the endowment of schools, for the making of roads, and have made gratuitous grants; and surely we must have the right to sell it for canal stock.

Complete the canal and the stock cannot fail to be valuable. The U. S. may then convert it into money. I am warranted in saying that a grant to this company will not interfere with the sales of land made by the public. I believe that gentlemen can be found to purchase the land with a view to promote the object of the grant who would not purchase of the public. It is the interest of the U. S. which I am proposing, more than that of the company. I am asking land, which you could not sell in a hundred years, and land which it is not likely you will hold half that period of time. A few years might complete the canal, and give to its stock its value. You will then have anticipated the sale of so much land, and accomplished an object of great public and private utility.

I have reason to believe, if this government grant assistance to the company, the example will be followed by the states of Pennsylvania and Maryland. It now depends upon us, whether this great work shall languish and sink, or be revived and completed. More than a hundred thousand dollars have been expended; if the work be forsaken the money is lost. The project now abandoned, will never again be undertaken by individuals. They now propose to assist you with a large capital—reject the offer, and hereafter you will be forced to do the work at your own expence. Never had we it in our power upon terms so cheap to accomplish an object of great public importance. You save a capital of more than 100,000 dollars; you unite by internal communication the waters of five states;—you lay the foundation of a scheme of interior navigation connecting the extremities of the continent; and you support a spirit of improvement so essential to the prosperity of the country, by an accommodation which takes not a cent out of our treasury, and which promises at least a reciprocal benefit to the government.

Edward Livingston's Address to the public, Concluded.

And that being unable to discharge my debt in money, I had, after a delay of two months subsequent to his arrival, given him an order for the amount upon captain Samuel B. Davis, payable in one and two years; that captain Davis having purchased a plantation from me, and being my debtor to a larger amount payable at those periods, had accepted my order and given his note for the amount, which was credited on his mortgage to me; to prove these facts I produced the records, and appealed to Mr. Davis, then in court, who confirmed them.

With respect to Mr. Rodger's affidavit I observed, that it was difficult to reply to a document which had only been partially read, that Mr. Keene, upon whose hearsay I was accused, had been long absent from the country, and that on his return, I was persuaded a satisfactory explanation of the business would be made, but, that in all events, I pledged myself most solemnly to God and my country, that I was utterly ignorant of any of the plans which it was said colonel Burr was executing, either for dismembering the union, or contravening its laws, except what I had heard from the newspapers, the communication of general Wilkinson, or public report, and that I had never held any communication, either written or verbal with him or any other person whom I knew or suspected to be concerned with him on the subject of those plans.

There is a force in the language of truth, there is a commanding aspect in the looks of innocence that can rarely be assumed by falsehood or guilt, and I am persuaded few, if any of my auditors retired with impressions to my prejudice. The general seems to have thought so too, for on the following day when I went to court to hear the charges he had engaged to exhibit, I met a gentleman of his family who in answer to my earnest enquiry, whether the general's affidavits were prepared, told me that intelligence had arrived which did not leave him leisure to attend to them and that he did not believe they would that day be produced; seeing my extreme chagrin at this delay, he told me he was persuaded that the general would feel much gratified if I could exonerate myself from the charge, that he had been forced into the accusation by imperious circumstances, but that he had little doubt, if I could remove his suspicions as to the payment of the money to Bollman, (which he added was the principal circumstance) that he would be ready to do me ample justice; and concluded by suggesting the propriety of my calling on the general, this I refused to do, but said that I would reflect on the other proposition; and after consulting with some friends, I determined to send the papers I had read in court with some others which I was sure must remove every doubt as to the nature of the transaction. Meeting the gentleman shortly after, I told him my determination, and he appointed an hour to call on me for the documents, and expressed a joy which I am sure he felt, on the prospect of an arrangement that would do full justice to my character; he arrived some time after the hour appointed, but apologized for the delay, by stating that he had since been to the general, that he was desirous to do me justice, was anxious that I should exonerate myself from the charge, but that it was absolutely necessary he should see me in order to shew some papers which had not been exhibited, and which I understood, were to explain the reasons why he had thought himself obliged to accuse me, but that the payment of the money to Bollman was still the principal charge, and this being explained he would almost venture to pledge himself, that general Wilkinson would appear in open court, to be called at his request, and make any statement I could reasonably desire, to remove the effect of his charge; the idea of presenting myself, and making explanations to a man who had so cruelly injured me, appeared at first too degrading to be borne, but the pain which these accusations must give to my friends at a distance, the humiliating circumstances attending a newspaper assertion of innocence, the certainty that it could never be so effectually done as by the mode proposed: and (shall I be called pusillanimous, when I add) the fear of inevitable ruin to my family from a military arrest and removal, all concurred to produce the reluctant assent, which, after a delay of some hours I gave to the proposition of calling at head-quarters in company with a friend. Eight in the evening was the hour appointed. The gentleman to whom I before alluded, was so perfectly persuaded that the visit would end in the most satisfactory arrangements, and expressed so friendly a pleasure in the prospect, that I could scarcely believe him in earnest, when, at the hour appointed, with a mortification he did not attempt to conceal, he met me on the gallery at head quarters with a message—"That the general had just received a letter that determined him not to see Mr. Livingston or any of his friends." This cruel insult, added to the injuries I had received, made me feel the humiliation to which I had opposed myself, and I returned home with the firm persuasion that I should find the guard for my arrest stationed at my door, in this I was mistaken, as yet I have preserved my liberty and life, but, how long I shall be permitted to enjoy either, depends upon the caprice or suspicions of a man, who has upon record declared himself above the law, and who, in open court, asserted the propriety of cutting off a member to preserve the body. At that moment I had peculiar reasons to apprehend violence. Mr. Alexander and myself were the two counsellors who had dared to question the legality of Bollman's imprisonment. We had both been on the second day after publicly denounced, the one as a traitor, the other as participating in treason. An accusation in form had been promised against both, and a few hours before I was insulted at head-quarters, Mr. Alexander had been forcibly dragged thither by a military guard. I had no other connection with this gentleman than that which arises from practising at the same bar; he is a much younger man than myself, and we were never on very intimate terms, his politics and mode of thinking upon many points, were diametrically opposite to mine, but I have always observed in him the manners of a gentleman, and the principles of a man of honor; his most intimate acquaintance at the bar having entered the family of general Wilkinson, Mr. Alexander sent to me the moment of his arrest—he confided to me his professional papers, and gave me charge of his effects. I performed on that occasion the duties I owed to a man whose character I esteemed, whose situation interested me, and on whose guilt, notwithstanding the denunciation which had been made, I had no right to pronounce. I dared to take out an *Habeas Corpus* for his release, to send him some trifling supplies, and to write him a note in which I assured him that I would follow his directions in the disposal of his property, and expressed a persuasion, of which I have now no doubt, that his voyage to the U. S. though disagreeably begun, would terminate in his restoration to liberty; this was my *second offence*, and it produced as I have been informed and believe the insulting refusal to receive the visit I had been invited by the general to make.

My *first* crime was the act of professional duty, I have before detailed, and it was followed by the denunciation which has forced me before the tribunal of the public.

I have not appealed to it however, until the jurisdiction of every other has been declined by my accuser. I waited with a respectful but impatient silence, until the court met on Monday, after a recess of four days; I applied to the judges to know whether any accusation had been made against me, being answered in the negative, and the attorney of the district for the United States, then in court having to the same question made the same reply, I addressed the court nearly to the effect contained in this publication, I shewed from the exposure of my private affairs the utter improbability of my entering into designs so subversive of every plan I had formed, in designs which, if successful must banish me from my country, and separate me for ever from my family and friends, and if they proved abortive, must end in my irretrievable ruin. And I concluded by offering them, as I now offer to the public as a pledge of my innocence, or a proof of my insanity, the annexed affidavit, if guilty of the crime laid to my charge, I must be distracted as well as depraved, to add the voluntary guilt of perjury to my other offences.

I content myself in this statement of facts, with such details as are necessary to my own justification, should they find their way to the seat of government, such of them as relate to our political situation, must attract the notice of our representatives; in the mean time we must suffer the evils to which we are exposed, let us however, do it with fortitude, and never be tempted to any act which may seem to enlist us on the side of those who trample on our constitution, sport with our liberties and violate our laws.—Let us remember that the day of retribution will arrive, and is not far distant, when a strict account will be taken, as well of the wanton abuses of power, as the shameful derilliction of duty which permits them: but let us shew by our zeal, in support of our country, by our submission to lawful authority, and by an intrepid opposition to every foreign or domestic foe that there is no pretext for the dictatorial power that has been usurped over us.

I have said that we *must suffer*, never were two words more applicable than to our situation, it is one, the most dreadful to an independent mind, of any that can be imagined, subject to the uncontradicted will of a single man with whom the hearsay tales of slander are *proofs*, and who, on his own evidence, arraigns, condemns and punishes the accused, dooms him to imprisonment, banishment and ruin, by whom the tribunals are insulted, and to whom, the civil executive apparently surrenders its force. What state of things can be worse! No caution can protect! No consciousness of innocence secure. The evidence is taken in private, malicious, cowardly informers skulk around the proconsular office, their tales give food to feelings of pre-existing enmity, or avenge their own quarrels by secret denunciations of guilt. The objects of official suspicion are confined in unusual and remote prisons, their letters are intercepted, communication with them is restricted, and they are, it is said, exposed to a dangerous voyage on the ocean, in the most inclement season of the year: the possibility too, of their being intercepted by a Spanish force, and condemned to perpetual imprisonment in their dungeons, or mines, is not the least probable, or the least frightful part of the picture.

In the mean time where is the necessity that exists for those measures? Are the courts shut? Do the judges refuse their duty? (*b*) Are the ordinary prisons insecure? No! the course of justice has except, by these events been undisturbed, the officers are at their posts, nor is there any appearance of violence to the civil authority, instead of therefore, of securing the punishment of the prisoners, these extra-judicial arrests are the only means that perhaps could be devised for screening them if guilty from punishment. On their arrival in the United States, they must be surrendered to the civil power and the arrest appearing to be illegal they must be enlarged.

The witnesses who could here (if the charges are well founded) have substantiated their guilt, being at a great distance, time will be given them to escape, and that punishment so necessary to be inflicted on the crimes with which they are charged, will be eluded. Whereas if the civil authority had been applied to, and suffered to take its course, efficient, and what is perhaps of as much consequence, prompt justice would have been done: an awful example would have been offered on the spot, that might have appalled the guilty, or speedy acquital to the innocent, would have destroyed those sympathies which legal and violent measures always create. At a moment when union is more necessary than at any other period, the shadow of injustice ought to have been avoided.

A consideration of the consequences, a conviction of the illegality of the arrests and a sense of duty induced me, in compliance with the request of a fellow practitioner, to attempt the judicial release of Dr. Bollman, of whose guilt as is now stated, there was sufficient proof to have warranted a commitment here.

The same sense of duty induced me to issue another writ of *Habeas Corpus*, for Mr. Alexander and Mr. Ogden. The latter gentleman had been brought a few days prior to this, before judge Workman, and was discharged—In defiance of all civil authority he was included in the same order for arrest with Mr. Alexander and was taken on Monday out of his lodgings by a party of armed dragoons, and I suppose sent out of the territory, for the return to the *Habeas Corpus* in this cause was a reference to that in the case of Bollman.

I know not what effect this publication will have, it may JUSTIFY ME TO MY COUNTRY, which is the first wish of my heart, it may be the means of producing a strict scrutiny into my conduct, which I INVITE, it may draw down the further vengeance of my accuser, which I will never DEPRECATE.—But whatever may be the event, nothing can destroy the consciousnes I enjoy of my own rectitude on this occasion, nor the determination in my humble sphere, to resist oppression and assert the empire of the LAWS.

EDWARD LIVINSTON.

New-Orleans, 26th Dec. 1806.

(*b*) I am authorised to state that official communications has been made to General Wilkinson, that the proper tribunal was ready to receive and act upon any charges he might think proper to make.

EDWARD LIVINGSTON, of the city of New Orleans, counsellor at law, being duly sworn on the Holy Evangelist of Almighty God, doth depose, that he hath never had any communication, written or verbal, direct or indirect, with Aaron Burr, or any other person whom he knows or has reason to suspect, to be concerned with him in the plans now said to be carrying on, hostile to the Union, laws, or constitution of the United States, relative to any such plans, and that he is utterly ignorant of the existence of any such schemes on the part of the said Aaron Burr, or his adherents, except from the public papers, the communication of general Wilkinson, and the voice of public report.

(Signed) EDWARD LIVINGSTON.

Sworn this 26th day of December, 1806, before me,

DOM. A. HALL, District Judge of the United States for the Orleans District.

Foreign Intelligence.

THIRTY-SECOND BULLETIN.

32d Bulletin is dated Berlin, 16th Nov. 1806—It states the position and force of the Prussian army at the Beginning of the campaign—viz. 115,000 infantry, 30,000 cavalry, 145,000, and 800 pieces cannon—all these were in the battle of the 14th, except the duke of Weimar and prince Wirtemberg's corps—leaving 126,900 engaged in that battle. That of this body, not one escaped! The same of the other two corps not in the battle. That the king, the queen, general Kalkreuth, and only 10 or 12 officers were saved. That the king was at Koningsburg with about 8000 men. Most of the French troops had returned to Berlin. Marshal Davoust has gone to Posen—Murat is to follow him. The king of Holland is requested to return to his own kingdom. Prince Jerome investing two towns in Silesia, of which he takes the possession. Marshal Mortier has arrived at Hamburgh, to shut the Elbe and Weser.

ARMISTICE WITH PRUSSIA.

THIRTY-THIRD BULLETIN.

BERLIN, Nov. 17, 1806.

The armistice which follows, was yesterday signed at Charlottenburg. The season being advanced, this arrangement determines the station of the enemy. Part of Prussian Poland being occupied by the French, and part remaining neutral,

His majesty the emperor of the French and king of Italy, and his majesty the king of Prussia, in consequence of negociations for peace, begun on the 23d Oct. last, so unfortunately interrupted, have judged it necessary to agree to a suspension of arms, and for this purpose have appointed as plenipotentiaries, viz. His majesty the emperor of the French, Michael Duroc, Marshal, &c. &c. &c. and his majesty the king of Prussia, the marquis of Luchesini, and general de Zastrow—who after having exchanged powers have agreed to the following articles:

1. The forces of his majesty the king of Prussia, (now on the right bank of the Vistula) shall assemble at Koningsburg, in Royal Prussia, beyond the right bank of the Vistula.

2. The army of his majesty the emperor of the French, king of Italy, shall occupy that part of South Prussia, which is bounded by the right bank of the Vistula to the mouth of the Bug. The town of Thorn—the fortress and city of Grudentz, the city and citadel of Dantzic, the town of (Colbut and Lenzyz) which shall be delivered up to them as security; and in Silesia, the town of Glogau and Breslau, with such part of South Prussia as is bounded by the right bank of the Oder, and also the part that is situated upon the left bank of that river, to be limited by a line drawn from the Oder, at 3 leagues above Breslau, passing to Ohlau—Zobren at three leagues from Schweidnitz, (without including it) and from thence to Fryburg. Landshutt and connecting itself with Bohemia at Liebau.

3. The other parts of East Prussia, or New East Prussia, shall not be occupied by either army, French, Prussian or Russian; but if it should be taken possession of by the latter, His Majesty the king of Prussia engages, that they shall fall back to their own territories, and likewise not to admit the forces of that power into his kingdom, during the time this armistice shall continue.

4. Hameln and Nieuberg, with their arms and ammunition shall be delivered up to the French troops, and an inventory shall be made within 8 days from the exchange of ratifications, of the present armistice. The garrisons of these places shall not be made prisoners of war, but shall be marched to Koningsberg, and shall receive all convenient accommodations on the route.

5. The negociations shall continue at Charlottenburg, and if peace shall not be the result, the parties engage not to recommence hostilities without a previous notice of 10 days.

6. The present armistice shall be ratified by the contracting powers, on the 21st inst. at Graudnitz, when and where the ratifications shall be exchanged.

In faith of which, we the undersigned have hereunto placed our respective seals—at Charlottenburg, 16th Nov. 1806.

DUROC,
LUCHESINI,
ZASTROW.

"*Moniteur.*"

THIRTY-FOURTH BULLETIN.

BERLIN, Nov. 22.

No intelligence has yet been received that the suspension of arms, signed on the 17th has been ratified by the king of Prussia, and that the exchange of ratifications has taken place. In the mean time hostilities continue to go on, as they are not to cease till the period of exchange.

General Savary, whom the emperor appointed to direct the siege of Hameln, had a conference on the 20th with Gen. Lecoq, and the Prussian general, and made him sign a capitulation. 9000 prisoners, amongst whom are six generals, magazines, sufficient to subsist ten thousand men for six months, stores of all kinds, a company of horse artillery, and 300 cavalry are in our power.

Savary set off immediately for Nienburg, in order to make that fortress capitulate, in which it is thought there is a garrison of from 2 to 3000 men.

A Prussian battalion of 8000 men, in garrison at Czentoschau, at the extremity of Polish Prussia, capitulated on the 18th before 150 light horse of the 2d regiment, united to 300 Polish confederates, who appeared before the fortress. The garrison are prisoners of war; considerable magazines have been found in it.

THIRTY-NINTH BULLETIN.

POSEN, Dec. 7, 1706.

General Savary, after having taken poſſeſſion of Hameln, proceeded to Nieubourg. The governor heſitated to ſurrender. General Savary entered the place and after ſeveral conferences he concluded the articles of capitulation.

A courier has juſt arrived with the news that the Emperor of Ruſſia has declared war againſt the Porte; that Choczin and Bender are ſurrounded by his troops; that they have paſſed the Dnieſter and poſted themſelves from that to Jaſſy. General Micheſſon commands the Ruſſian army in Wallachia.

The Pruſſian army, commanded by Gen. Beniſſen, has evacuated the Viſtula, which Marſhal Davouſt has paſſed and eſtabliſhed his head quarters before Prague: his advanced poſts are on the Bug. The grand duke of Berg continues at Warſaw.

The Emperor's head quarters are ſtill at Poſen.

FORTIETH BULLETIN.

POSEN, Dec. 9.

Marſhal Ney has croſſed the Viſtula, and entered Thorn on the 6th. He beſtows particular praiſe on col. Savary, who at the head of the 4th regiment of infantry, with the grenadiers and voltigeurs of the 96th and the 6th light infantry, croſſed the Viſtula the firſt. He had an engagement at Thorn with the Pruſſians, whom he forced, after a ſlight battle, to evacuate the town. He killed ſome of their men and took twenty priſoners.

This affair exhibits a remarkable trait. The river 400 fathoms acroſs, was covered with floating ice; the boat which carried our advanced guard, being ſtopped by the ice, could not advance—on the oppoſite bank, ſome Poliſh boatmen ruſhed forward under a ſhower of balls to clear the boat. The Pruſſian boatmen attempted to oppoſe them, upon which a ſcuffle with fiſts enſued. The Poliſh boatmen threw the Pruſſians into the water, and piloted our boats to the right bank. The Emperor has enquired the names of these brave men for the purpoſe of rewarding them.

The Emperor received to-day the deputation of Warſaw, conſiſting of Meſſrs. Gatokouſki, Grand Chamberlain of Lithuania, Knight of the Orders of Poland; Goizeuſki, Lieutentant General, Knight of the Orders of Poland; Lubienſki, Knight of the Orders of Poland; Alexander Potocki; Rzeukowki, Knight of the Order of St. Staniſlaus; Luſzewſki.

IMPERIAL DECREE,

Declaring the British Isles in a state of Blockade.

IMPERIAL CAMP, BERLIN, NOVEMBER 21, 1806.

NAPOLEON, Emperor of the French, and King of Italy—considering:—

1. That England does not admit the right of nations as universally acknowledged by all civilized people:—

2. That she declares as an enemy, every individual belonging to an enemy state, and in consequence makes prisoners of war, not only the crews of armed vessels, but those also of merchant vessels, and even the supercargoes of the same:—

3. That she extends or applies to merchant vessels, to articles of commerce, and to the property of individuals, the right of conquest, which can only be applied or extended to what belongs to an enemy state.—

4. That she extends to ports not fortified, to the harbours and mouths of rivers, the right of blockade, which, according to reason and the usage of civilized nations, is applicable only to strong or fortified ports:—

That she declares blockaded, places before which she has not a single vessel of war: although a place ought not to be considered blockaded but when it is so invested as that no approach to it can be made without imminent hazard;—that she declares even places blockaded which her united forces would be incapable of doing, such as entire coasts, and a whole empire:—

5. That this unequalled abuse of right of blockade has no other object, than to interrupt the communications of different nations, and to raise the commerce and industry of England upon the ruin of those of the continent:—

6. That this being the evident design of England, whoever deals on the continent in English merchandize, favours that design, and becomes an accomplice:—