Having inserted the "Address of *Edward Livingston* to the Public," we now publish, from the *American*, the following animadversions on it, omitting the introduction, which merely refers to the prefatory remarks of the Telegraphe.

From the American.
[COMMUNICATION.]

To a right understanding of the nature of his complaint against general Wilkinson, and the respective merits, of the accuser, and the persons implicated by this hand bill, it will be necessary to take a hasty review of the existing state of things at New Orleans, at the time the acts complained of were committed, and the hand bill promulgated. And here it is impossible not to feel a mingled emotion of surprise and indignation, at such a publication appearing at such a moment. Let it be remembered, that however our fears may be tranquilized on the event, and by late accounts from the western country the combinations may appear crushed, and its resources diminished, at New-Orleans all was in a state of alarm; the enemy in considerable force daily expected; the citizen trembling for his property, his person, his family—business at a stand; a distressing suspension of intelligence; the work of warlike preparation occupying the public attention, and to complete the general uncertainty, to danger and distress, the skulking and pernicious agents of the conspiracy mingling with the people, ready to give intelligence to the enemy, to make proselytes to the cause, and in the moment of attack, prepared to aid the assault without by internal treachery. Such is the moment which Mr. L. selects as a fit occasion for the production of discord, and the dissemination of jealousy against the only man around whom the citizens are prepared to rally, and upon whose exertions and resources safety depends. It would surely be not unreasonable to suppose, that this new, but effectual mode of co-operation in the plan of the invader, has been resorted to by the subtilty of a lawyer, who thus evades the penalties, while he assists the purposes of treason. Let the ultimate object of this publication be what it may, the immediate tendency of its violent declamation was to diminish the public confidence in General W. and thus to weaken the means of defence; if complaint could be justly made, policy, at least, dictated, that it should be deterred, and his cause certainly would not have suffered in the public mind, if he had the prudence to prefer the general safety to the vanity of creating a party and exciting a clamor.

In addition to this view of the state of the public mind at New Orleans, let the situation of general W. upon his arrival at that place, and for some time afterwards, be taken into consideration—Convinced that a most unprecedented and dangerous conspiracy menaced the peace of the country, perhaps the existence of the constitution, at his own risk, and upon his sole responsibility, he adopts the resolution of throwing himself into the gap, and defending the pass, and in the execution of this resolution to pursue the most energetic measures, flowing from necessity, and justified only by the occasion, for his country he was willing to run this, as well as any other risk; and to his country he looked for indemnity. With this, his fixed determination, he arrived in New Orleans. Immediately on his arrival, he is surrounded by the agents or emissaries of the plot, some of whom openly declare themselves, under the impression that he was prepared to sell his country, abandon his duty, and prostitute his influence with the army to the purposes of treason; while others stand aloof, insinuate distantly their views and wishes, and await from him the encouraging sign for a more full disclosure. His known and ancient friendship for their leader, once among the most distinguished and favored of the country, the positive and unblushing assurance which had been made to his infatuated followers, that general Wilkinson's co-operation was secured; the confidence with which the plan had been developed to the general by the cyphered letter, and their own fondly indulged wishes, so apt to mislead the judgment, rendered his assistance so probable, that they were unwilling to doubt it, and caused them to yield their hopes, as if expectation had been strengthened into certainty. Thus situated, he becomes, without any extraordinary finesse, possessed of the plan, the means and time of its execution, and the object of immediate attack; unquestionable evidence of the guilt of some is unguardedly furnished; while of others, suspicion is awakened; from what is discovered, a dark presentiment of danger, whose limits are unknown, and whose nature is undefined, is excited. How far the poison has spread, is a matter of conjecture; at this important moment, confidence can only be reposed in safe hands, in characters above suspicion; the various seductions of ambition or interest must be maturely weighed; the discontent of faction, the restlessness of turbulence must be suppressed; they who, from their past lives or present conduct, furnish grounds of suspicion cannot be trusted; against such, the people must be put on their guard, and awful indeed is the responsibility of denouncing on suspicion—But more remains to be done, and greater risk must be incurred; military power is to be exerted, and an authority other than the regular administration of law to be enforced; men were openly walking abroad, and mingling with the mass of the citizens, whose breath was poison; who were emissaries to pervert, or spies to inform; who, under the very nose of government, and in the heart of a garrisoned town, preparing for an enemy, were organising a party to co-operate with a band of traitors, leagued to besiege it. To seize upon and deliver up the guilty to the civil authority at New Orleans, would answer no effectual purpose of prevention or punishment. If committed to custody, the lenient provision of the law gave free access to their persons; their party could safely communicate on the means of delivery or revolt; emissaries of correspondence with the main body could be as certainly and conveniently employed, and (what was a matter of most serious consideration) an additional motive of attack on the town was furnished by the hope of liberating them, and the expectation that a plan may have been methodised for a diversion in their favor. If however, as was most probable, a total release of their persons by *habeas corpus*, should be procured upon the ground that whatever treason might have been intended, there was no proof of its actual commission; the hazard of turning loose upon society, men emboldened by impunity and the weakness of the laws, in the more open and daring prosecution of their plan, would be so obvious as to require no sagacity to foresee, and only the resolution, to hazard his responsibility for his country, to prevent. Let the American most devoted to constitutional right, and the privilege of personal safety, whose heart beats most warmly for the glorious principles which the revolution cemented, on this trying occasion appeal to his own bosom for the justification of Wilkinson! If the public safety be the supreme law, the strongest obligation was here consulted, and let it not be said that the supreme legislative function was invaded, the distance precluded all timely interference, and the remedy would be too late for the evil, while the man who was to save the country, must deliberate, decide and act in the instant. Unfortunate, indeed is his situation, who in the cause of patriotism must appeal to force; but while we lament the necessity, who will condemn the man who on the purest motives and at his own risk determines to yield to it?

Thus much as an exposition of the circumstances attending general W's arrival at New Orleans, and the motives which determined his conduct. The handbill neither states these motives and circumstances nor offers any matter in refutation or denial of them. The motives of general W. are still left open to surmise, and the author states facts not at all inconsistent with those here alledged. What purpose then is Mr. L. to attain by the publication of this handbill? To prove his innocence of the guilt of which general W. had suspected him, might certainly have contented him, but in addition he charges the general with illegal and oppressive conduct in having dared to suspect him, and endeavors to cover him with obloquy on this account, and for having arrested and sent off to Washington those whom he more than suspected, and against whom he had irrefragable proofs of treasonable plans about to be executed. How far he has succeeded in any or all of these views, it is for the American people to determine; but as one of that people, the writer of this article is free to declare, that the statement of the handbill, taking it to be true, has produced in him "no sentiment of grief, indignation or contempt."

The hand bill after a most declamatory exordium, which promises neither candor nor decency, enters into a detail of Mr. L's situation, in point of property, which he takes pains to shew not to be insufficient to satisfy his public debts, and in time meet his private obligations. This statement it is reasonable to suppose is intended to counteract any suspicion which in such a crisis might be entertained of a great *public defaulter*, who having once violated his official obligations, by the embezzlement of the funds of the state, for which he is still indebted, might be supposed to be under peculiar inducements, and subject to stronger temptations to conspire against the government, as having nothing to lose, and every thing to gain, than one who by such a struggle can gain nothing, but may lose all. It is therefore that Mr. L. guided by the sure instinct of his own feelings, endeavors to remove the first and natural prejudice which his peculiar situation as a debtor to the U. States, is calculated to produce against him in the minds of his readers. In so doing he certainly exhibits more to the public than could be known to general W.—and even admitting the explanation to be satisfactory, he tacitly acknowledges by the necessity he feels himself under of making it, that a ground of suspicion existed in that gentleman's mind, founded on a presumption arising from his past conduct of a nature worthy of particular notice, although *no charge has been founded on it*, and of a totally distinct consideration from aught that appears to have been alledged in public or private by his accuser. Whether the public may be satisfied or not with his statement of solvency, which he deems so material to his justification, his doubts as to the amount of the debt which he owes to the U. States, (which he cautiously states "may *probably*, be *between* thirty and forty thousand dollars,") certainly give no immediate prospect of its 'liquidation.'

Having as he supposes obviated this first natural prejudice, he commences a narrative of the intercourse between him and the general, immediately on the latter's arrival at New-Orleans, and refers to the conversation in which Mr. L. mentioned the affair of the bill drawn by Burr upon him in favor of Doctor Bollman, and adds with some degree of bitterness, the remark, that the general behaved with his 'usual cordiality' towards him 'until the very night before his denunciation.'

To account for this conduct of the general is surely no difficult matter. With the same reason might Bollman reproach him for having listened to his plans, and having led him on to important discoveries, by demeaning himself towards him with his 'usual cordiality.' Although in no instance a friend to practiced deception, the most fastidious moralist would feel no revolting sentiment at the guarded conduct which, without committing faith by a promise, drew from treason its counsel, and disarmed rebellion of its instruments; which pledged no oath, and broke no covenant; where the aim was not self but the country, and where he who came to seduce was only not repelled with disdain.

But was the transaction above referred to calculated to create suspicion in the mind of general W? Let candor judge of his situation and if his deduction was false, form his excuse. Satisfied that the contagion had widely spread, that men hitherto esteemed and trusted had yielded to the seduction and that offers had been made to many of the leading men in New Orleans, no wonder if a money transaction between the arch-traitor and Mr. L. by which the principal agent of the conspiracy on the spot was to be furnished with funds to carry on his treasonable operations, should excite distrust of the source whence the supply came; while the freedom of the communications, which were there unreservedly made to him by the unquestionable agents of the conspiracy, must have rendered it in his mind not improbable, that this intelligence was, as in many other instances, intended as a token of understanding, and a ground of mutual confidence. Those who, aware of the plot, strongly suspected gen. W. was connected with it acted accordingly, some with less, others with greater caution, and it is no matter of complaint if the general who knew his own innocence, and was fully sensible of what was going forward, resorted suspicion upon those who apparently acted under its influence, and if the existing state of things gave a peculiar import and color to words and transactions otherwise in their meaning and tendency, innocent or indifferent. The mention of such a money transaction at that moment was well calculated to raise doubt; to have supplied with funds him who was preparing to execute projects of destruction, must have appeared so monstrous, that to have considered such a circumstance in Mr. L's. situation as totally accidental, must have required a penetration all perfect, and all seeing, that could enter the tabernacle of the human mind and with infallible perspicacity trace every thought to its source, & every action to its motive. It is sufficient for general W's. justification, if the common sentiment of mankind be with him, and what lover of his country in such circumstances would have less than suspected such a transaction?

But when in addition to the motives of doubt attached to this party's public situation and this most unlucky money transaction, is super-added the affidavit of Dr. Rodgers, cold indeed must be that judgement which is not affected by the proof, and luke-warm must have been general W's zeal for the public welfare, if he did not openly declare his mistrust, and put the people on their guard. We accordingly find him in open court discharging this duty, strictly confining himself to the transaction between Mr. L. and Dr. Bollman & the affidavit of Dr. Rodgers, and upon these two circumstances declaring an opinion of the guilt of Mr. L. And this is the offence, this the personal wrong of which Mr. L. complains—this is what he styles "an attempt to over-awe by denunciation, those who dared professionally to assert the authority of the law;" that he should be *suspected*, and the suspicion undisguisedly and publicly stated, is the sum total, and real amount of the injury.

Of this wrong and the exasperation offered to the feelings of Mr. L. the public is enabled to judge from his own statements. Whatever may be the corrosion of mortified pride, or the interested clamor of suspected guilt, whether his views by this publication point only to the establishment of his innocence, or to the furtherance of faction and treasonable designs, the charge so loudly complained of, stript of declamation and gloss, whether referred to the abstract asserter of constitutional right, or the calm deliberator on national welfare, appears on the one hand supported by evidence, on the other justified by the occasion. No seizure of the person or property of Mr. L. follows the disclosure, and with the same entire safety he publishes an inflammatory handbill in the heart of a fortified town preparing for an enemy, against the commander in chief of the forces by which in revenge for being suspected, he shews himself disaffected, and to prove himself no accomplice in treason, exerts himself to effect that which it would be the great object of treason to accomplish, to wit, the dissemination of discord, and the production of mutual distrust.

It remains to consider the other charges and invectives against General W. contained in his handbill. This shall be the work of a future occasion.

WASHINGTON CITY.

MONDAY, FEBRUARY 23.

In our last paper we published a statement of the proceedings of the Senate on the bill relative to a repeal of the duty on salt, &c. received from a member of that body. We are since informed that this statement, so far as it respects general Smith, of Maryland, is incorrect; and that that gentleman did not speak against the repeal; but that he spoke against the continuance of the *Mediterranean fund* longer than the 31st December next, and in favor of modifying the repeal of the duty on salt—so that the eight cents per bushel imposed in '97 should cease on the 30th June, and the remaining 12 cents on the 31st December next; and that he voted against striking out the two sections, that repeal the duties now *imposed on salt*.

SUPREME COURT of the UNITED STATES.

FRIDAY, FEBRUARY 20.

Mr. *Rodney* informed the court that he had not been able to find any cases that bore with precision on the point yesterday submitted by the court.

Mr. *Martin* observed that he had handed to the chief justice some few authorities, which might be examined by the Attorney general.

After examining them Mr. Rodney said that he found Mr. Martin had not been more fortunate than himself, that the cases did not pointedly apply, and required no further observations from him.

After some remarks on the inadmissibility of General Wilkinson's affidavit by Messrs. F. Key, Harper, Rodney, and Martin;—and some incidental remarks from the court,—the *Chief Justice* said the court would take time to consider the case, and hoped by to-morrow to be able to give an opinion.

Mr. *Martin*, in consequence of the proposition made yesterday by the court, requested them to state the bail that would be required for the recognizance of the prisoners.

The court required bail to be given by each of the prisoners, himself in a sum of 5,000 dollars, with sureties to the like amount.

Messrs. Martin and Van Ness were received as bail for Mr. Swartwout—and Messrs. Martin and Harper for Mr. Bollman.

Saturday February 21.

Chief *Justice Marshall* delivered the opinion of the court in the case of Messrs. Bollman and Swartwout.

The opinion was very long, and went, to a considerable extent, into a definition of the crime of treason.

On several points involved in the case the court, consisting of four judges (Judge Livingston having gone home in consequence of the illness of his daughter) were equally divided.

The opinion concluded with the order of the court to *discharge the prisoners*.

As we purpose giving this important opinion, at length, in our next paper, we have avoided any statement of its contents.

A letter has been receive from *general Adair* addressed to the Kentucky delegation stating the circumstances of his arrest at New Orleans, the harsh treatment which he says he has experienced, and declaring himself innocent of all participation in any scheme hostile to the United States. In this letter (which we had expected to have given in this paper) general Adair represents that while in Kentukey, he received some time in November a letter from general Wilkinson, dated Sept. 29th, inviting him to come to New Orleans, and join him in an attack on and conquest of the Spanish possessions: and that he immediately answered it, declining all participation in the plan proposed to him. He adds that his purpose in going to New-Orleans was entirely to make a purchase of lands.

Extract of a letter, dated Washington, Mississippi Territory, Jan. 19, to a gentleman in this city.

"Mr. Burr arrived at Judge Bruin's, above Natchez, ten or twelve days ago. He wrote to Mr. Meade the acting governor, stating that his objects were laudable, that they were not unfriendly to the U. S. and cautioning him against arming citizens against citizens, and thus producing a civil war. Mr. Meade called out the militia. A warrant was issued against Mr. Burr and a party of militia were sent to take him. Several persons who had come to Natchez were apprehended by the military and dismissed by the acting governor on their parol till to-day. Judge Rodney to whom they have come has been examining them, but they appear to know but little of the real designs of Mr. Burr. Mr. Burr himself avoided being taken, by crossing the river. The Secretary sent his aids to him, a written capitulation was entered into, and last night Mr. Burr came to this place, the seat of government, and is to be examined in a day or two. He states that his object was to be ready on the call of government to make an attack on the Spanish possessions, had war been declared. He has nothing with him that can be called a force. He appears indignant at the proceedings which have been instituted against him, and speaks with much bitterness as I am told of Gen. Wilkinson. The general does not seem to be popular here, and I think upon the whole that there appears to be a greater solicitude to criminate him, than any one else.

"P. S. Mr. B. alledges that the correspondence which it is said that he has carried on with General Wilkinson, containing plans for invading the Spanish provinces, &c. emanated, as he can prove, from the Marquis Yrujo, who fabricated these letters to injure him."

HOUSE OF REPRESENTATIVES.

FRIDAY, FEB. 20.

The House resolved itself into a committee of the whole—Mr. BASSET in the chair on the bill respecting the claims to land in the territories of Louisiana and Orleans.

Several amendments were made; when the committee rose and reported the bill, which was ordered to a third reading to-morrow.

Mr. R. Nelson, from the committee appointed for that purpose, submitted a bill for the relief of Rinaldo Johnson, which was referred to a committee of the whole to-morrow.

The House resolved itself into a committee of the whole—Mr. TENNEY in the chair—on the bill for the relief of Daniel S. Dexter.

The committee reported the bill, without amendment, and the House ordered it to a third reading to-morrow.

The bill supplementary to the act relative to grants of land to refugees from Nova Scotia, &c. was passed through committee of the whole, and ordered to a third reading.

The House resolved itself into a committee of the whole—Mr. GREGG in the chair—on the bill to punish frauds committed on the Bank of the U. S.

After some amendment, the committee rose and reported the bill, which was ordered to a third reading to-morrow.

The House resolved itself into a committee of the whole on the report of the committee of claims on the petition of Oliver Pollock; which is in favor of allowing the claim of the petitioner to a certain extent.

After a short discussion the committee rose and reported the resolution, in which the House, after debate, concurred, and committed it for the purpose of bringing in a bill.

The motion made by *Mr. J. Clay*, to make certain additions to the standing rules of the House, was taken into consideration.

After much discussion, and some amendment, the House adjourned at a late hour without passing a final vote on it.

Saturday, February 21.

The House resolved itself into a committee of the whole—Mr. Tenny in the chair, on the bill making an appropriation for the further protection of the ports and harbours of the U. S.

The *first* section of the bill appropriates "20,000 dollars" to this object.

This sum was struck out.

Mr. Cooke then moved to fill the blank with 300,000 dollars.

This motion was advocated by Messrs. Cook, Ely, Dana; and opposed by Messrs. Chandler, Holland, Elmer and Fisk.

Mr. Newton spoke in favor of making a liberal appropriation, without pledging himself to vote for the sum proposed.

When the question was taken, and the motion disagreed to—Ayes 44—Noes 57.

A motion to fill the blank with 200,000 dollars was likewise negatived—Ayes 46.

Mr. Newton moved to fill the blank with 150,000 dollars, which motion was agreed to—Ayes 56—Noes 37.

Mr. Thomas then offered a new section, appropriating dollars to enable the President to build gun boats.

This resolution was supported by Messrs. Cook, Alston, Smilie and Gregg; and opposed by Messrs. D. R. Williams and Quincy;—and agreed to—Ayes 53—Noes 34.

The *first* blank was then filled with "150,000 dollars;"—Ayes 53—and the *second* with "thirty."

The committee rose, and the House adjourned without deciding on the report of the committee.

Tickets in St. Paul's Parish
LOTTERY—BALTIMORE,
NOW DRAWING,
May be had of any of the Managers, for whose names and the scheme of the Lottery, see the National Intelligencer, No. 985.
February 21—

RUNAWAY.

ON the 5th inst. a yellow man calling himself JOHN CLEMMONS was committed to the jail of Washington county in the district of Columbia as a runaway. He is about 25 years old 5 feet 8 and 1-2 inches high, much pitted with the small pox, has a scar on his right hand made by a cutlass—says he is free, and belongs to Lancaster in Pennsylvania. He was committed in sailors clothes, and says he has been accustomed to follow the sea.

The owner of said Clemmons (if he have any) is desired to release him, or he will be sold for his expenses as the law directs.

DANIEL CARROLL BRENT,
Marshal of the district of Columbia.
Feb. 23—w3t