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National Intelligencer.

FOR THE NATIONAL INTELLIGENCER.

Observations on the conduct of Great Britain---Continued.

Fair and serious appeals to the love of justice and peace will receive, it is believed, due attention in America wherever they circulate. If enlightened public opinion should contribute to influence, without passion or disorder, honest errors, evil designs, or dangerous prejudices. It must be deemed an inestimable result of wisdom and virtue in the people. It has been shewn that Great Britain began, in the Autumn of 1792, the system of incroachment upon the rights of neutral nations, and that she maintained and pursued that system through the months of November and December, 1792, and so through the months of January, February, March and April, and until the decree of the French convention of the 9th of May, 1793. We know, that it was confirmed by her orders of June, 1793, and in regard to all the colonies of France, in November, 1793. We ought to be sensible that this British plan brought upon us numerous Spanish captures and spoliations, by means of a treaty to that end, made by Spain with England in 1793. We ought particularly to consider the evidences before us, that Great Britain was the real and principal cause of bringing on us the late injurious conduct of France. For, when a great belligerent power, like England, applies zealously and unremittingly to all the other enemies of France, and to all neutrals, to concur in or countenance such a scheme of destructive, unauthorised, and unjust warfare, it is impossible to prevent the rising of the most powerful and irregular passions in France against England, and those who countenanced this fatal English and Russian measure. The happy prudence, which was observed on the same occasion by the intelligent director of the councils of Denmark (the late count Berstorff) well merits our attention, and will be seen in the following extract from his reply to the British communication of the oppressive and ruinous system, to which their additional orders of the 8th of June, 1793, avowedly appertained. The illustrious and virtuous Dane declares, he cannot even treat upon the subject, as a faithful neutral; and then, repelling this monstrous inroad upon neutral rights, by reason, by justice, by humanity and even by the former conduct of Great Britain herself, he thus expresses himself——

"The point in question" says count Berstorff, "is only with respect to private speculations of the sale of uncontraband articles of produce and grain, the disposal of which is not less important to the seller, than it is to the buyer, and to the freight of the vessels of a nation, whose chief support is depending on the advantages they reap from their navigation and corn trade. If it be permitted to famish blocked up ports and fortified towns, belonging to an enemy, *it does not appear to be justice in the same degree, to extend similar misery to others, who are innocent; and even in France, there are provinces that could never have deserved such an increase of misery from the hands of England or its allies.*

"The want of corn as a common consequence of the want of a supply of provisions is not so extraordinary a circumstance in France, as could only have been produced by the late events. France has, at all times, been obliged to draw provisions from other nations. Africa, Italy, and America, supply that country with more provisions, than the Baltic. Their necessity, in applying to other nations for provisions, is so far from being new, that in the year 1709, when there was a real famine in France, England never thought of making use of such arguments as she does at present.

"On the contrary; soon after Frederick IV* was engaged in a war with Sweden, which kingdom, as well as France, is dependent on other nations for the supply of provisions, he used the same arguments to prevent the supply of provisions to an enemy, in order by those means to subdue him! and endeavored to apply a case to a whole country, which is only applicable or justifiable with respect to blockaded towns or forts.

"He was obliged to renounce that project, on account of the weighty representations made on that subject, by other courts of Europe, and particularly by that of G. Britain, who declared this a new principle, and rejected it as unjust."

Thus then we see, that the principles of the system and plan of inflicting upon France the miseries of famine, by neutral detentions and spoliations, was firmly resisted by Denmark, and that they were formerly rejected by England herself!

This is a matter of no small or momentary importance to the U. S—for it permanently affects our surplus grain, rice, flour, beef, pork, fish, and vegetables—as also our carrying trade. It is therefore necessary to bear in mind the avowed principles of the two nations, and the time and manner of their being unfolded by their conduct and public acts. England asserts, that she may take neutral provisions for a whole people, going to their unblockaded places in neutral ships. France and the neutrals deny this; and England herself and other powers formerly declared it "unjust." England perseveres, and persuades many other powers into the scheme. The neutrals omitting or failing to obtain redress, France is burdened with immense expense to procure bread, and subjected to the most palpable dangers of convulsion and famine. Thus circumstanced, France promulgates an act (May 9, 1793) declaring that she will also take neutral provisions going to her enemies, paying for them, at the price in the place of destination—but that she will continue to do so only till her enemies shall abandon their pretended right to take neutral provisions going to her unblockaded ports.

Let prudence and conscience decide the cause, and pass a sound judgment in this monstrous case.

JURISCOLA.

* In the time of Queen Anne, of England.

TRIAL OF AARON BURR,

On Friday Mr. Martin resumed the discussion on the important motion before the court, and spoke 3 hours.

On Saturday he continued his argument and spoke till 3; that is, 14 hours in all. He was followed by Mr. Edmund Randolph, who spoke till 5.

We intended to have commenced in this number our sketch of the argument of counsel on this question—but not being furnished in time with the notes of one of the counsel, and this argument assuming additional interest from the circumstance of its being almost certainly the concluding argument on the prosecution for treason, we have determined to reserve it for our next paper, to give it more correctly and in greater detail.

MONDAY, AUGUST 31.

This day the court met a few minutes after 11, and the Chief Justice was occupied until half after two, in delivering the opinion of the court, on the motion before it. The opinion was of course extremely elaborate and voluminous. We shall present a complete copy of it as soon as possible, to the public, and in the mean time they must be satisfied with the following statement of its principal and very interesting conclusions.

The following explanation will make those points more intelligible to our readers.

The counsel for Mr. Burr stopped the interrogation of Maurice P. Bellnap, who was examined on the 20th ult. and moved the court to exclude farther evidence upon this ground, that the accused was proved not to have been present at the time of the overt act laid in the indictment.

In support of this motion they urged the following reasons:

1. That Burr not being present was merely an accessory, and not a principal, and therefore not punishable under the constitution and laws of the U. States.

2. That if he was a principal, he was a principal only in the 2d degree, where guilt is merely derivative, & that therefore no parol evidence could be admitted against him, until a record was produced of the conviction of the offender in the 1st degree.

3. That the fact must be proved as laid in the indictment, and evidence proving the accused to have been absent at the time of the overt acts is inadmissible to support the indictment charging him with the commission of that act.

4. That no parol evidence could be given to connect the prisoner with the men assembled on Blannerhassett's island, until an act of treason in these men was proved; and that the assemblage there was not an act of treason.

We understand that on the 1st point, the opinion of the court was, that a man might commit treason in levying war against the U. S. without being present at the time of the overt act alledged in the indictment. Being leagued in the general conspiracy and performing a part in it was deemed sufficient.

The court admitted the second and third propositions to be correct.

On the fourth point, the court gave a very long and a very elaborate opinion as to an overt act of levying war. The opinion delivered by the supreme court in the case of Bollman an Swartwout was declared not to be correctly understood—and that there must be, before an overt act of treason is completed, either the actual employment of force, or a military assemblage of men, who are in a posture of war.

As soon as the Chief Justice had concluded,

Mr. *Hay* rose to observe, that the opinion just expressed by the court furnished matter for the very serious consideration of the prosecution. As he had not very distinctly heard every part of the opinion, he hoped the court would allow him an hour or two for its more complete consideration. He requested also the use of the opinion for his more particular inspection. Some desultory conversation ensued on the possibility and propriety of printing it for the use of the court. This arrangement was however waved, when

Mr *Hay* requested the Chief Justice to permit him to have the use of the paper itself. The latter expressed some doubts about Mr. Hay's ability to decypher it, but cheerfully conceded to the request.

Mr. *Hay* moved an adjournment of the court until Wednesday 12 o'clock, which Mr. Lee objected to, on account of the number of witnesses who were detained on the trial—and Mr. Randolph on account of the inconveniences to which it would subject some of the jurymen. The Chief Justice then proposed to adjourn the court till 6 o'clock this evening—by which time perhaps the counsel for the prosecution might determine on the course which they would pursue.

Mr. *Wirt* observed, that it would take at least till 6 o'clock to decypher the opinion.

C. Jus. We will adjourn the court till 6 o'clock, and if the prosecution are not ready, we may adjourn till a more distant time.

Mr. *Burr.* I would ask, if necessary, that the jury should in the mean time go more at large. This proposition was finally rejected.

The court adjourned at 6, without doing any thing.

Tuesday, 11 o'clock.

The court met at 10; when Mr. Hay addressed them: "I have looked into the opinion and have neither argument nor evidence to offer to the jury."

Ch. Justice. The jury may then retire—Marshal, conduct them out. The jury accordingly retired.

After an absence of 25 minutes. Col. Carrington their foreman, reported the following verdict indorsed upon the indictment.

"*We, of the Jury, find that Aaron Burr is* NOT *proved to be* GUILTY under this indictment by any evidence submitted to us. We therefore find him NOT GUILTY"

Mr. Burr and his counsel objected to entering this form of the verdict on the Record.

The court at length decided, that the verdict should remain on the indictment, and that the general verdict of not guilty, should be entered on the record.

Jonathan Dayton appeared. An affidavit was exhibited to prove that he was not at Blannerhassett's island at the time charged in the indictment; & he was accordingly discharged from it. He was then admitted to bail on the indictment for the misdemeanor in the sum of 10,000 dols. A Mr. *Williamson* of New Jersey and *Luther Martin* were his securities.

Mr. Hay informed the court that the counsel for the United States had not determined on the course which they should pursue; whether they should proceed to the trial of Aaron Burr on the indictment for a misdemeanor, or whether they should move the court to commit him for his trial in Kentucky, where an overt act is said to have been committed at the mouth of Cumberland river.

When the court adjourned to 12 o'clock on Wednesday, Mr. Burr observing that he should not move for his discharge till then.

From the rapidity of Mr. Woodbridge's utterance, some Errata have necessarily crept into our statement of his testimony. As we wish to catch every beam of light that can be shed on this interesting trial, we think it proper to correct them, in Mr. Woodbridge's own words.

ERRATA—First column D. Woodbridge's testimony—answer to Mr. Hay, "Col. Burr wished to give me a draft on New York for payment, &c." Instead of which say, "I agreed to take a draft on New York; but expressed to Mr. Blannerhassett, who handed me the draft, my dissatisfaction at the long sight on which it was drawn, viz. 30 days;" observing that the draft would not fall due until after the time in which the boats and provisions were to be delivered, and that I wished to run no hazard. Mr. Bl. with some warmth, asked me, if I doubted col. Burr's honor, and observed, that he would relieve my fears by guaranteeing the draft.

Second column of D. W's testimony—question by Mr. Wirt. "In having these boats built, did you understand they were built for col. Burr or for Burr and Blannerhassett? Note—if this question was asked, I could have made no other answer, than that they were built for Burr.

Mr. Blannerhassett did not, as was stated, tell me the use that was to be made of the boats. In my narrative of Mr. Blannerhassett's communication to me, I am made to say, "I evaded his question, but could not avoid telling him I thought my situation better than a precarious one."—I did not evade his question, but did tell him I thought my situation better than a precarious one.

Answer to Mr. Wirt's question—instead of "his landed property cost 50,000 dollars," &c. say the island and improvements cost about 40 or 50,000—it would not however sell for near that sum, except to a person of a similar taste, with Mr. Blannerhassett.

Mr. Hay's question—"If delivered to Blannerhassett, would you not have considered yourself as delivering them (the boats) to one of Burr's associates?" I am made to answer, "I do not know what I should have thought." It is impossible that I should have made that answer, for I just before stated that Mr. Blannerhassett had told me he had embarked with col. B. and I never had any reason to doubt it.

With respect to the questions generally about Mr. Blannerhassett's property, I did not speak positively. The expression from Tyler, I was positive in.

OFFICIAL.

Baltimore, August 31st, 1807.

SIR,

We have the honor to report to you, the proceedings of the detachments from the Independent Company and United Volunteers, under our command, who offered their services to take the pirate that was lately molesting the commerce of the Chesapeake.

We embarked in the evening of the 27th inst. on board the schooner Volunteer, commanded for the occasion by captain Porter of the American navy. In our progress down the bay, we looked into the several inlets and harbors, which were likely to be hiding places for a pirate, and boarded a number of vessels, from none of which could we receive any correct information.

On the 27th in the evening we made the Patuxent, and were happy to descry a schooner at anchor, which was soon recognized to be the object of our search. It was resolved to approach her, if possible, without exciting suspicion, for which purpose the whole of the troops were concealed below; and it was concerted with captain Porter that he would pass her, so as to prevent her escaping up the Patuxent, then tack ship, cut her off from the shore, and immediately lay her along side, when the troops would board. Unfortunately the water was too shallow to admit the execution of the last part of our plan, when captain Porter resolved to approach as near as possible, and to attack, if she did not surrender on being summoned.

At this moment we discovered the pirate's boat putting off with four men in it, and making for the shore. They were instantly fired upon, but after a momentary pause, they persevered in making for the shore, when we gave them a second shot. At this time the schooner hoisted French colors, and very soon struck them, when we sent the boat on board to take possession, and were greatly surprised to find but three men in her.—The boat was then manned to pursue the fugitives, but we discovered a brig at anchor across the Patuxent, which we suspected was a prize to the pirate, and believing it to be of the first importance to retake her, the boat was ordered back, and we proceeded for the brig, but found she was an outward bound merchantman, and had not been boarded by the pirate. We returned to the place where we had captured him, but it being now dark, it was deemed a vain attempt to endeavor to pursue the four fugitives through the woods, at that time, and we stood off, on our return with the prize. The following morning, we spoke captain Woodland and captain Hynson, with their rifle companies from Baltimore, proceeding on the same business, and communicated what we had done, and requested them to continue their course, and to land and scour the woods for the pirates that escaped; which service they undertook with the greatest cheerfulness and alacrity. They were accompanied by lieutenant Calhoun, of the Independent Company, who was to point out to them the grounds for their operations, and who was also instructed to proceed to the French Imperial ship Patriot, and to request her commander, if any of the pirates had taken refuge on board of him, to surrender them to be tried by the laws of the United States.—The whole of this service was executed with correctness. Commodore Krohm received lieut. Calhoun with politeness, and at once informed him, that he had the four men who had escaped from the schooner in irons, on board of him; that he had communicated the circumstance to his excellency the French minister, to whom he held himself responsible for the prisoners. Upon Mr. Calhoun re-urging his request, commodore Krohm agreed to deliver them to him, but stipulated that they should be accompanied by an officer of his ship, and not surrendered to the civil authority without the consent of the minister.—Upon application to General Turreau, his consent was readily granted, and the prisoners are now in jail. The citizens of Annapolis, and the crew of the French ship L'Eole, were also on the alert on the occasion, and have arrested five of the piratical crew, so that we now have 12 in confinement, to take their trial, and among them all the principal characters.

Thus has a plan of piracy, which threatened serious injury to our commerce, been completely broken up.—The small schooner, our prize, has a quantity of small arms, boarding knives, &c. on board, and it is ascertained was to have been kept as a store ship, until their arrangements were completed, when they were to possess themselves of a vessel, better calculated for their iniquitous purpose.—We are greatly indebted to the vigilance and bravery of captain Porter for our success, and to his amiable and very correct deportment, for the harmony and happiness which prevailed from the beginning to the end of the expedition. He has secured our friendship and esteem, and merits the thanks of the merchants of Baltimore. A number of master mariners and others, volunteered their services also, and conducted themselves with a spirit and propriety that did them honor. We furnish you a list of their names that you may report them to the committee of merchants. The pilot, boatswain, gunner, and seamen, engaged for the service, all behaved well, and did their duty like skilful and brave seamen. Too much praise cannot be bestowed on the officers and soldiers of our respective companies: they embarked with alacrity, submitted with cheerfulness to the many inconveniences of their situation, were strict observers of the necessary discipline, and displayed a cool and deliberate courage in the hour of trial. The owner of the sch'r Volunteer, Mr. James Calwell, who voluntarily offered her for this service, is entitled to the thanks of the public.

We have the honor to be,
With great respect,
Sir, your humble servants,
SAMUEL STERETT, *Capt.*
Independent Company.
JOSEPH STERETT, *Capt.*
Of Baltimore United Volunteers.
COL. JOHN STRICKER,
5th Maryland Reg.

Master mariners and others that volunteered on board the armed schooner Volunteer, lieut. Porter, commander, on an expedition to take a French pirate.

William Cooper, of Norfolk.
Charles Wirgman,
Wm. Davidson,
George Lee,
Wm. Richardson,
James Vinson,
James Towers,
Thomas Ring,
Wm. Macey,
Tobias Belt,
John Miller,
Wm. Deahins,
James Brien,
James Dunnahue,
Claudius Besse,
John Davis,
John Ferns,
Wm. Murdoch, and
Overton Hardy, all of Baltimore.

Dear Sir,

Since writing the enclosed letter, lieut. Calhoun has communicated to me the correspondence between him and commodore Krohm, which I do myself the honor to submit to you.

With great respect,
I am, Sir,
Your humble servant.
S. STERETT.
September 1st, 1807.
Col. Stricker, 5th Maryland Reg.

(COPY.)

Patuxent River, 30th *Aug.* 1807.

Commodore Krohm,

Sir,

Having been ordered by captain S. Sterett, of the Maryland militia, and Captain Porter, of the navy of the U. States, to pursue some pirates who fled from the privateer schooner, taken near the mouth of Patuxent on Friday evening last, and having learned that they are now confined on board his imperial majesty's ship the Patriot; I have repaired on board that ship to request that they will be delivered to me, to be taken to Baltimore, there to be handed over to the civil authority for examination and trial.

I have the honor to be,
Sir,
Your most obedient servant,
JAMES CALHOUN, Jun.
Lieut. Independent company, 5th Regiment Maryland Militia.

Riviere du Patuxent, abord, le 30 d'Aout, l'An 1807.

HIACINTHE KROHM, Capitaine de Vaisseau de premiere Classe, Officier de la Legion d'Honneur, commandant Le Patriote, et la Flotte Française dans la Chesapeake.

Mons. le Capitaine Calhoun,

Les hommes que vous reclamez, sont en effect a mon bord aux fers.

Je les aurais envoyes des hier matin, a son excellence le Ministre P. P. de S.