WASHINGTON CITY,

FRIDAY, SEPTEMBER 18.

A letter is received in this city, dated Richmond, 13th inst. by which it appears that the court had that day given an opinion in the case of colonel Burr, that may be said to have put an end to the proceedings in this case. It goes to the exclusion of testimony, and of course to the acquittal of Burr, on the charge against him for a misdemeanor. The substance only of the opinion which is given above, that no testimony would be permitted to be adduced, is given in the letter.

After the opinion of the court was delivered several questions were addressed to the Chief Justice by the counsel for the U. States, as to the effect of that opinion, upon particular points. At length it was deemed the most eligible course to adjourn the court 'till the next day, in order that the counsel on both sides might be furnished with copies of the opinion, & be enabled to judge of its application to the evidence which might be offered to prove any particular fact.

The Court adjourned 'till Tuesday at 10 o'clock.

***NOTICE** of the observations of Pacificus and other writers.*

(CONTINUED.)

But, says Pacificus, since the treaty of 1794, "our complaints were I believe *only* these:

"1st. Her enforcing her doctrine of the illegality of the colonial trade.

"2dly. Her impressments of *her own* seamen on board our merchant vessels, and as a necessary consequence, the taking our own occasionally, when destitute of protections.

"3dly. The killing of *John Pierce.*"

Gracious God! "*Only these*"—attend to the language, "only these."—All we have to complain about is, the confinement of three thousand citizens on board of British ships, deprived of course of their liberty, exposed to the most barbarous treatment, and torn from their families and country; the right to a trade valued at forty millions, and the murder of a fellow citizen, not only not censured, but actually justified! Cold, indeed, must be that breast that feels not indignant at the attempt to gloss over such outrages, which in simple truth consist of murder and robbery; pursued on a large scale, and not merely tolerated, but directly authorised, and, in some respects, enjoined. Let it be observed, that in this specification, the illegal blockades of Britain, which cap the climax of her injustice, are cautiously overlooked. Why? Because it was felt to be impossible to prove every colorable pretext for them.

In the same strain, Pacificus continues—

"It will be perceived, that I lay entirely out of the case the vexations often complained of, of having our vessels boarded, searched, and sometimes sent into port without just cause, because such things necessarily result from a state of war and the exercise of undoubted belligerent rights: Because the British admiralty courts are better than those of any other nation except our own:—because the marine officers of all nations often exercise these acts of individual injustice, and it is believed those of Great Britain less than any others, and it is not considered a cause even of complaint, if the government institutes fair tribunals for the trial of the causes which occur; and because every man acquainted with our own war knows, that no nation ever took in more neutrals for examination, nor made greater exertions for the condemnation of them than the Americans did."

Who is there so blind as not to see that the enumerated reasons for these acts of injustice are the merest cobwebs of sophistry. The rights contended for by Britain are not undoubted. The British admiralty courts are not better than those of other nations. Those of Holland and Denmark and Sweden have never committed equal injustice. Great Britain has not instituted fair tribunals for the trial of alledged infractions of our neutral rights.

With regard to the infraction of our colonial trade, & the impressment of our seamen, committed by Britain, these topics have been so fully and ably discussed by Mr. Madison, in tracts which every man has read, that it would be a work of supererogation, in this place, to say a word about them, other than that the American who can attempt to impair the confidence of his country in the correctness of the ground taken by his government, and insisted upon through every successive administration*, must have feelings or motives very different from those which influence the great body of the nation.

As to the case of Pierce, it, in truth, does not admit of apology—The facts which accompanied his murder may be distorted; but the principles arising out of the true facts cannot be disputed. The act was proved to have been committed within the jurisdiction of the U. States. Whitby ought, therefore, to have been delivered up to the U. States for the trial of a murder committed within the U. States. But if this was not done, from a doubt as to the correctness of the testimony that laid the crime within the jurisdiction of the U. States, the act was still criminal, was still a violation of our neutral rights, by preventing free ingress into and egress from our own ports, and was consequently a proper subject for censure and punishment by the British government; neither of which having been done, we have just reason to complain.

Pacificus proceeds—"From this short view of the subject, it is apparent, that although we have more occasion of collision with Great Britain, from her decided maritime superiority, than we can possibly have with any other nation, yet, that during a long war, in which she might be expected to be jealous of our unrivalled prosperity and increase, obtained almost wholly at her expence, she has given us but few causes of offence, and that all these like our former ones, she was ready to discuss and redress, to examine, and heal by a treaty of amity.

"That this was really her disposition, we have the highest evidence, from Mr. Jefferson's positive assurances in his address to Congress, in 1806, and 1807—From Mr. Munroe's letter communicated to Congress, in which he declares that he is likely to settle all the points in dispute as favorably as could have been wished.—From the terms of the treaty itself which are known to have been highly advantageous to us, and very unpopular in England—and lastly from the expressions of good will, and the attentions paid to our ministers at the date of our last dispatches from Europe."

All the facts, here assumed, are untrue—the deductions, consequently, can be of no value. What are called the "few causes of offence," we have shewn to have been extended to a length that violated the personal liberty of our citizens, and endangered their property to the annual amount of forty millions. Of the disposition to redress these wrongs we have no evidence but professions, accompanied, as far as we are apprised, with principles which the American nation will never submit to; with principles which acknowledge the right of Britain, in case we should not by all the means in our power resist certain commercial restrictions of her enemy, or, in other words, make war with her against that enemy, to withhold from us the benefits of the treaty, which is, however, understood to be silent on the important point of impressment. To say that a treaty, whatever may be its other provisions, clogged with such a stipulation, is known to be highly advantageous to us, & to assign for reason that it is very unpopular in England, where its contents are probably less accurately known than in this country, is such an insult to truth and common sense, and such a libel on the government, that we shall suffer it to sink with its own gravity.

The second number of Pacificus is devoted to the enquiry, "whether the case of the Chesapeake, stripped of all former causes of irritation, be of itself a justifiable cause of war, let the circumstances be what they may?"

Having abundantly shewn the absurdity of stripping this case of all former causes of irritation, we shall say no more of this, except that it is a point altogether of policy on our part. If we chuse we may strip this case of these appendages. If, on the contrary, there be reason to think that the interests of the nation will be more consulted by uniting them both, having the clear right to do so, it will be the duty of the government to make the union.

The writer proceeds to assign a number of reasons for diffidence in forming a conclusion, though it will be seen in the sequel that when his purposes require a different course, the inferences he draws are made at the entire sacrifice of this virtue. These reasons consist in an alleged want of information, whether Berkeley's order was authorised by the British government, and if it were, whether some unknown circumstance might not have warranted it. On these points, it is not necessary to say much. If the order was unauthorised, it ought to be, and it is to be hoped that it will be disavowed, and just reparation made for the past and security given for the future by the British government. This done, there is an end of the matter. The justifiable cause of war is gone. With regard to the second point that implies that the outrage offered the Chesapeake might have been warranted by some unknown cause, it is boldly replied that no cause could have justified it. The apologists of Britain may make out their own table of facts, and still the difficulty will be found insurmountable. The right, by force, to take men on any pretext from a national vessel is an act of war. But says Pacificus, it may be presumed that the act was a reprisal on the part of Britain, or was, in other words, resorted to render herself that justice we had refused, that being the only remedy left her; and this act of reprisal may not be either war on her part, or authorise war on ours. Is it, people of America, worth spending arguments on such miserable stuff? If Britain supposes that she will be suffered to make such reprisals with impunity, she deceives herself. Our government has in no instance taken a step towards her which has not been founded on justice; it may possibly in some instances (though none are known) have erred in point of fact. If the steps thus taken were all just, there could be no ground for reprisal; and if facts were at issue, how were they to be settled? At the cannon's mouth, says Pacificus. An English admiral, or commodore, or a mere captain, is to be placed on the same footing with the government of the U. States; authorised, unless the latter give up their conscientious belief in facts which it had taken pains to attest, and yield a principle, never before ceded by an independent nation,—not merely to remonstrate;—not even to remonstrate in the first instance; but instantaneously to apply force! The point admits not of discussion. To argue it would imply, on the part of the American people, to whom these remarks are addressed, a want both of patriotism and of common sense.

The *third number* of Pacificus is occupied with an attempt to prove that one nation has, under the law of nations, a right to claim deserters from another. It is said that Grotius declares this right to exist. This is denied. Let the writer produce his authority. Its not being, in this case, produced, is evidence that it does not exist. Why, if such a right does exist under the law of nations, was it necessary, even in a qualified way, to provide by treaty stipulations for the very cases which such a principle would have more fully embraced; and why is a similar provision made in many other treaties? Even, did the right to reclaim deserters exist of old under the general principles of national law, the numerous provisions which have been since established by almost all the nations of the civilized world would go no small length to abrogate it. For it cannot be contended that the law of nations is immutable. No law can, in truth, be immutable. The *lex scripta* will, from time to time, receive different constructions from the varying circumstances of the times; and the *lex non scripta* does, from these very circumstances, constantly receive new modifications.

But it is contended that foreign vessels in our ports have a right to the protection of our laws, and that this protection implies a duty on our part to restore deserters, and particularly the native citizens of foreign powers; and we are told that Britain does not allow the expatriation of her subjects. It is true that foreign vessels, while within our jurisdiction, are to a certain extent under our protection; but this protection is the same with that afforded to individuals within our territory. Here then are concurrent rights, and both must be construed so as to do the least injury to either. If a seaman could have left the British service at sea and come to the U. S. without subjecting himself to reclamation, it is not perceived that the case would be altered if the service was left while the British vessel was within the U. S. Take this case, which, it is presumed applies to a very large part of British seamen. They are forcibly impressed in England. This act of force is illegal even in that country. They are retained by force. They make their escape and embark on board of a merchantman for the U. S. It will not be pretended that these men can be claimed. It will not be alleged, that if claimed, they would not have a right to the protection of our government. To maintain the contrary position, would be equivalent to saying that we could co-operate by force to sanction the illegal act of impressment committed in Britain, and fasten chains which even there were fixed contrary to law. Suppose the escape made on the high seas; would that alter the case? Continue the British national vessel into the harbors of the U. S. Is the original illegality of the impressment diminished by the continuity of the voyage and the protracted period of bondage? Can we, ought we to be called upon to sanction oppression, to be the instruments of British cruelty? No. The principle is clear. Those, who enter within the jurisdiction of another nation, must take care to observe its laws; and they must take the protection they want subject to this limitation. If a British sailor contracts debts he must pay them, and, however urgent the vessel to which he belongs may be for his services, he will be deprived of his personal liberty until they are paid. This is an inconvenience which the vessel knows when she seeks an asylum in the U. S. So with regard to the desertion of her seamen. She knows the broad principle of expatriation that prevails in the U. S. When she enters their ports, she knows the evil to which she is thereby exposed. Let her then keep her men on board, or send on shore those only in whose fidelity she can confide.

The immunities attached to a minister are urged as an argument for restoring deserters. But the argument deducible from this circumstance is directly the other way. The special provision that is made in this case implies that it does not exist generally in others. Who does not know that a minister stands upon ground directly the reverse of that of other men? Even debts cannot be recovered from him by coercing his person. Does a captain of a British ship of war, or his seamen claim this prerogative? Shew this, and we may allow that there is some analogy between the cases.

So much with regard to the character of the British outrage offered the Chesapeake, and the enquiry whether that outrage would be a justifiable cause of war. Pacificus is of opinion that it would not be a justifiable cause of war. The nation are of a different opinion; & we consider the case as already settled by them. Whether it will really lead to war is another question. We may have a justifiable ground for war; and yet it may be our interest not to wage it. The best means of compelling our enemy to do us justice, which would at the same time be attended with the least injury to us, ought unquestionably to be adopted. Whether war would have these effects, we have not, nor do we now undertake to decide. Nor has the nation decided this point. There is no doubt, if the conduct of the British government shall produce this enquiry, but that it will be conducted with temper and wisdom. All the habits and wishes of the American people are pacific. They have been accustomed, since the era of our independence, to make great sacrifices to maintain peace. They are ready still to make them. But they must be sacrifices that do not involve national degradation; not the sacrifices of fear, but of wisdom and patriotism.

(TO BE CONTINUED.)

* Of this take the following proof:

Extract from a circular, directed to the commanders in the Navy of the United States, from the Navy Department, signed Benjamin Stoddart, and dated December 29, 1798.

"It is the positive command of the President, that on no pretence whatever, you permit the public vessel of war under your command, to be detained or searched, nor any of the officers or men belonging to her, to be taken from her, by the ships or vessels of any other nation, so long as you are in a capacity to repel such outrage on the honor of the American flag.

"If force should be exerted to compel your submission, you are to resist that force to the utmost of your power, and when, overpowered by superior force you are to strike your flag, and thus yield your vessels as well as your men—but never your men without your vessel."

Nerfolk, Sept. 11.

DIED, This day, THOMAS NEWTON, Senior, Esquire, Collector of this port, an ancient and respectable citizen of this Borough. For upwards of forty years past, he had filled various public employments, the duties of which he discharged with the strictest honor and integrity.

TRIAL OF A. BURR.

ON THE INDICTMENT FOR A MISDEMEANOR.

WEDNESDAY, SEPTEMBER 9.

The jury were sworn, and consisted of the following individuals:

Orris Payne, James Boatright, Obadiah Gartright, John Murphy, Wm. Bentley, Yeamans Smith, Carter B. Berkeley, Robert M'Kim, Robert Gordon, James Penn, Jesse Bowles, Thomas Lewis.

The clerk then rose to read the indictment, to which Mr. Botts objected. He said that it was the province of the attorney himself, to read his own indictment. Mr. Hay replied, that such was not the usual practice; and after a short conversation it was read by the clerk in the following terms:

Circuit Court of the United States of America for the fifth Circuit and District of Virginia.

District of Virginia, to wit:

The grand inquest of the U States of America [illegible] for the body of the district of Virginia, upon their oath, do present that Aaron Burr, late of the city of New York and district of New York, attorney at law, did on the tenth day of December, in the year of our Lord one thousand eight hundred and six, within the jurisdiction of the U. S. to wit: at a certain island in the river Ohio, called Blannerhassett's island, in the county of Wood, within the district of Virginia aforesaid, and within the jurisdiction of this court, with force and arms, begin a certain military expedition, to be carried on from thence against the dominions of a foreign prince, to wit: the dominions of the king of Spain; the said U. S. then and there being at peace with the said king of Spain, against the form of the statute, in such case made and provided, to the evil example of all others, in like case offending, and against the peace of the said U. S. and their dignity; and the jurors aforesaid, upon their said oath, do, farther present, that the said Aaron Burr, afterwards, to wit: on the said tenth day of December, in the year of our Lord one thousand eight hundred and six, and within the jurisdiction of the said U. S. to wit: at a certain island in the river Ohio, called Blannerhassett's Island, in the county of Wood, in the district of Virginia aforesaid, and within the jurisdiction of this court, with force and arms, did set on foot a certain military enterprize, to be carried on from thence against the territory of a foreign prince, to wit: the territory of the king of Spain; the said U. S. then and there being at peace with the said king of Spain, against the form of the statute, in such case made and provided, to the evil example of all others, in like case offending, and against the peace of the said U. S. and their dignity;—and the jurors aforesaid, upon their oath, do farther present, that the said Aaron Burr, afterwards; to wit: on the said tenth day of December, in the year of our Lord one thousand eight hundred and six, within the jurisdiction of the said U. S. to wit: at a certain island in the river Ohio, called Blannerhassett's island, which is in the county of Wood, in the district of Virginia aforesaid, and within the jurisdiction of this court, did, with force and arms, set on foot a certain other military enterprize, to be carried on from thence, against the territory of a foreign prince, to wit: against the province of Mexico, in North America; the said province of Mexico, then and there being the territory of the king of Spain; and the said king of Spain then and there being at peace with the said U. S. against the form of the statute in such case made and provided, to the evil example of all others, in like case offending, and against the peace of the said U. S. and their dignity, and the jurors aforesaid, upon their oath, do farther present, that the said Aaron Burr, afterwards, to wit: on the said tenth day of December, in the year of our Lord one thousand eight hundred and six, within the jurisdiction of the said U. S. to wit: at Blannerhassett's Island, in the river Ohio, which island is in the county of Wood, in the district aforesaid, and within the jurisdiction of this court, did, with force and arms, provide the means, to wit: boats, men, provisions, fire arms, gun powder, bullets, leaden bars, and other military munition, for a certain other military enterprize, to be carried on from thence against the dominions of a foreign prince, to wit: against the dominions of the king of Spain; the said U. S. then and there being at peace with the said king of Spain, against the form of the statute in such case made and provided, to the evil example of all others, in like case offending, and against the peace of the said U. S. and their dignity; and the jurors aforesaid, upon their said oath, do farther present, that the said Aaron Burr, afterwards, to wit: on the said tenth day of December, in the year of our Lord one thousand eight hundred and six, within the jurisdiction of the said U. S. to wit: at an island in the river Ohio, called Blannerhassett's Island, in the county of Wood, and district of Virginia, and within the jurisdiction of this court, did, with force and arms, prepare the means, to wit: boats, men, provisions, fire arms, gun powder, bullets, leaden bars, and other military munition, for a certain other military expedition, to be carried on from thence against the province of Mexico, in North America, the said province of Mexico, then and there being the territory of a foreign prince, to wit: the territory of the king of Spain, and the said U. S. then and there being at peace with the said king of Spain, against the form of the statute in such case made and provided, to the evil example of all others, in like case offending, and against the peace of the said U. S. and their dignity: and the jurors aforesaid upon their said oath, do farther present, that the said Aaron Burr, afterwards, to wit: on the said tenth day of December, in the year of our Lord one thousand eight hundred and six, within the jurisdiction of the said U. S. to wit: at an island, in the river Ohio, called Blannerhassett's Island, in the county of Wood, and district of Virginia aforesaid, and within the jurisdiction of this court, did with force and arms, provide the means, to wit: boats, men, provisions, fire arms, gun powder, balls, leaden bars, and other military munition, for a certain other military expedition, to be carried on from thence against the dominions of some foreign state, to the jurors aforesaid yet unknown, with whom the U. S. were then and there at peace, against the form of the statute in such case made and provided, to the evil example of all others in like case offending, and against the peace of the said U. S. and their dignity, and the jurors aforesaid, upon their said oath, do farther present, that the said Aaron Burr, afterwards, to wit: on the said tenth day of December, in the year of our Lord one thousand eight hundred and six, within the jurisdiction of the said U. S. to wit: at Blannerhassett's Island, in the river Ohio, in the county of Wood, and district of Virginia aforesaid, and within the jurisdiction of this court, did, with force and arms, set on foot a certain other military enterprize, to be carried on from thence against the dominions of some foreign state, to the jurors aforesaid yet unknown; with whom the U. S. were then and there at peace, against the form of the statute in such case made and provided, to the evil example of all others, in like case offending, and against the peace of the said U. S. and their dignity.

GEORGE HAY,

Of the city of Richmond, in the state of Virginia, Attorney of the United States for the Virginia District, Prosecutor.

A TRUE BILL.

JOHN RANDOLPH.

A Copy. Teste,

WILLIAM MARSHALL, Clk.

The clerk was then proceeding to charge the jury.

Mr. Botts contended that this was the province of the attorney for the prosecution.

The *Ch. Justice* observed, that there was no charge necessary. *Mr. Hay.* All that the clerk had to say was that to this indictment the accused had entered *not guilty*, and that the jury were to try the validity of that plea. In saying this, however, I have delivered the charge.

Mr. Hay then stated to the court, that his express had arrived from Monticello, and had brought back the return of the President of the United States, which he now was prepared to read. The *Ch. Justice* did not know whether there was any necessity for it, if there was any difficulty on the part of the bar. *Mr. Hay.* None at all, I assure you. *Mr. Botts* We will, sir, to hear the return.

Mr. Hay then read the following certificate from the President annexed to his extracted copy of gen. Wilkinson's letter:

"On re-examination of a letter of Nov. 12th, 1806, from Gen. Wilkinson to myself (which having been for a considerable time out of my possession, is now returned to me,) I find in it some passages entirely confidential, given for my information in the discharge of my executive functions, and which my duties and the public interest forbid me to make public. I have therefore given above, a correct copy of all those parts which I ought to permit to be made public. Those not communicated are in no wise material for the