contended that if there was a connexion between the parties, that the acts and confessions of one were evidence against the other; that this principle was settled in Hardy's, Thelwell's, and Tooke's cases; and that in the present case, the evidence of the connection of Blannerhassett was already before the jury; and that he was prepared to adduce additional testimony. *See Trial of Smith and Ogden, page* 102.

On Friday Mr. Martin offered a few additional authorities. He was followed by Mr. McRae; and afterwards by Mr. Wirt, who spoke two hours. Mr. Randolph continued the argument for one hour.

TUESDAY, SEPTEMBER 15.

Mr. Hay said that the counsel for the prosecution would attempt to go on as well as they could; and that they would attempt to introduce no evidence which interfered with the court. He should state what he conceived to be a summary of that opinion. Mr. Hay stated one or two propositions, when the opposite counsel objected to this course.

Mr. Martin suggested whether it would not be better to introduce particular points of testimony, for the court then to determine upon their admissibility. After some conversation, Mr. Hay called up Mr. Neale. Q. Were you on the island, on the night of Blannerhassett's departure? A. I was not; I left it about the 26th of August.

James McDowell was then called; when Mr. Hay observed that this witness was introduced for the purpose of proving an interview between him and the accused at the mouth of Cumberland river, when the accused stated to him the object of his expedition. *Mr. Burr* observed, that he understood this was offered as corroborative or auxiliary testimony. Auxiliary to what? They ought first to demonstrate that he did commit the acts on the island, that were laid in the indictment. Why do they thus attempt to prove acts done in Kentucky out of the district?

Some argument ensued on this point; when *Mr. Hay* observed, that he considered the terms "providing, and providing means" as the direct and operative terms of the law; he would prove that means for a military expedition had been provided at the island; and the question was, who did provide them? He would undertake to deduce from circumstances, to the compleat satisfaction of the jury, that Mr. Burr was the provider. These circumstances were satisfactory to his mind, and he thought they would be equally so to them.

Chief Justice. If you have any testimony about providing the means at the island, let it be produced.

Mr. Dudley Woodbridge was then called up, whose testimony we have already retailed in the Enquirer. He now gave a particular history of his contract with Mr. Burr, the building of the boats and the preparing of provisions. The prosecution interrogated him particularly about the corn which Mr. Blannerhassett had purchased on his island, and attempted to shew that in this transaction he acted under the powers of the firm. The opposite counsel asked him, whether this purchase of corn had ever been carried into the company's books. A. No. Whether were the partnership accounts settled? A. Yes.

Peter Taylor was then interrogated about the corn purchased by Blannerhasset on the island. He said that this corn was kiln dried on the island; then carried to the mills on the Muskingum and the Kanahaw; that the meal was brought back to the island; but he was not certain whether any had been carried away by Burr's party.

Mr. Hay at length arose. He said, he perceived very distinctly that he could not proceed in his evidence without meeting the opinion of the court. That opinion had removed the great and most effective part of his testimony; that under such circumstances, he could not support the prosecution; he was willing therefore to enter a *Nolle Prosequi* and he quoted Foster, p. 327 8, to shew, that after a jury was impannelled, it was within the discretion of the court to admit that practice; that he was led to this mode of proceeding by the consideration that the law under which the indictment was laid, was vague in its terms, and as yet undecided, and that this course might permit him to resume the prosecution at some future day, should any substantive testimony occur. The opposite counsel objected to this proceeding; that it was contrary to the uniform practice of the courts; that it was the right of the jury to give a verdict; that the consequences of this proceeding would be the delay of justice to the accused, to whom the constitution had awarded the benefit of a speedy trial. They attempted to shew that the principle from Foster did not apply. Mr. Hay was perfectly willing to submit it to the court. The Chief Justice decided that the attorney could not enter a *nolle prosequi*.

The jury then retired with the indictment, and after an absence of about 20 minutes, Mr. Orris Payne, their foreman, returned a verdict of "*Not Guilty*."

Mr. Hay then announced the course which he was now to pursue; Mr. Burr was not yet discharged from his recognizance for the misdemeanor; that it was his intention to move for his commitment to that place for trial where the military expedition is said to have been completed; that he should combine in the same motion Messrs. Smith and Blannerhassett, and that he should have no difficulty in entering a *nolle prosequi* to their trials for a misdemeanor.—Mr Burr requested the attorney to allege the place where the act is said to have been committed. Mr. Hay replied, that the evidence he should introduce would cover a vast extent of territory; that he would name, if he could, the very spot. Mr. Burr. The district then. Mr. Hay. I do not distinctly recollect the opinion of the court—but I believe it will be proved that troops were assembled at the mouth of Cumberland river and down the Missisippi to Bayou Pierre, in a warlike posture. It is not my business to locate the scene. It will be the province of the court, after they have heard the evidence, to fix the place where he is to be tried.

Mr. Martin mentioned the case of John Smith of Ohio; but no arrangement was made.

Mr. Wickham mentioned the case of Jonathan Dayton. Mr. Hay observed, that he did not think himself justified in entering a *nolle prosequi*, as that would discharge him from his recognizance, and he was not certain but some evidence would occur in the course of the examination which would induce him to combine Mr. Dayton in his motion for commitment: that he had no doubt that Mr. D. was leagued in the general conspiracy, and if he had the similarity of the hand writing of the letter he had in his hand (Gen. Dayton's) with some he had previously seen, would have satisfied his mind.

Mr. Wickham then proposed, that Mr. Hay should enter a Nol. Pros. and that gen. D. should continue his recognizance: to which Mr. Hay acquiesced.

Adjourned till tomorrow 11 o'clock.

From Bell's Weekly Messenger, a London paper.

CONSEQUENCES AND IMPOLICY OF A WAR WITH AMERICA.

The intelligence of the week has produced one event upon which it is impossible to reflect without a sentiment of indignation. The intemperance of one of our Admirals has nearly involved us in a war with America. The intemperance of the party writers at home, has hurried them not only to approve of the conduct of our officers, but to make the unqualified assertion, that a war with America would be an undoubted good—an absolute advantage to us.

A war with America an undoubted good! We really wish that these advocates for war would consult the merchants of London, Liverpool and Bristol. They would soon be compelled to other conclusions.

America, say these advocates, monopolizes the whole of our Colonial Carrying Trade. This is a manifest injury to British Commerce. Indeed! Why is it, good friends, that our merchants prefer the Americans as carriers to carriers of their own nation? For no other reason, but because as a neutral, America can afford to take their commodities at a lower freightage. And is not this an indispensable advantage both to the individual merchant, and to the general commerce of the country? Are not our commodities thus enabled to come cheaper to market, and thereby ensure a more certain and more speedy sale.

It appears, therefore, in this point of view, the Carrying Trade of America is of real benefit to the general commerce of England.

But the Shipping Trade, say the party-writers, must proportionately suffer—certainly. But it will not, we hope, be contended, that the interests of the general commerce are to be sacrificed to one particular branch—the shipping or country Trade.

There are, indeed, certain advantages, which are essential to Neutrals, and which no belligerent power should grudge to its neutral neighbor, inasmuch as they themselves fully participate in the benefit. Commerce would not only languish, but, in many respects would be totally extinguished, if these neutral mediums were to be prohibited.

In what manner for example, is it, that our colonial produce obtains admission into France and Germany, in despite of all the oppressive regulations of the French Emperor? It is only through these neutral mediums. In a word, what America takes with one hand, she gives us tenfold with another. She is above a carrier or an agent. Her flag covers the English as well as the French manufactures. She has no partiality but that of gain, and as this may be procured equally on both sides, so will America be found equally advantageous to both.

If America were to be cut off from the Carrying Trade, say the party-writers, the British merchant would be compelled to employ his own countrymen.

We have already answered this argument. The employment of the neutral medium is of benefit to the general commerce, and the interest of one branch not be consulted at the expence of the whole. The merchants must not send their commodities into foreign markets, at a price amounting to a prohibition of all purchase, for no other purpose but that they would employ their own countrymen. They must not pay convoy and insurance on commodities (sugars, for example) which will scarcely pay the simple freightage.

A very shallow objection is here made. These commodities, say they, are articles of necessity; the buyers must have them, and will therefore pay the price be what it may.

In the first place, other commodities will enter into competition with them, and though not so good, the difference being more than compensated by the inferior price, will assuredly find a preference.

In the second place, is the circumstance of any advanced price, even the necessary buyers take a less quantity than usual. But this diminished consumption is so much dead loss to the merchant and manufacturer. It will not, we hope, be contended, that there is a new thing in the advance of price which can indemnify him for his diminished sale. The advanced price is but the defrayment of his advanced expence. If he add any thing beyond it is a forced argumentation of his profits beyond their natural level, and of course subjects him to be undersold by those who will sell at a fair profit. He gains nothing, therefore, as we have above said, by his advanced price and therefore must necessarily lose by his diminished sale.

Such, then, would be the necessary effects of forcing trade into an unnatural channel—of compelling our merchants, in the event, and under every circumstance, to employ only British shipping, and dismiss the neutral medium.

Our commerce would suffer, and ultimately our shipping. We should shortly have more ships, but fewer commodities. The ship builders would then have just cause of complaint, that had employed their capitals in building vessels, which have only to rot in the docks.

The result is, that nothing is to be gained by a war with America. In her carrying trade, she carries for us, and she carries for our enemy. It would be a manifest injury to our general commerce to deprive her of the former, and with respect to the latter, we should not gain that of which we should deprive America. We could not supply her place by becoming carriers to our enemy; neither should we much distress the enemy by cutting off the mean of conveyance—we should only throw his carrying trade into another channel—whilst the Danes are neutral, it would be to no purpose to cut off the neutral medium of America.

We might add, that we perhaps gain as much on one hand as we lose on the other by this neutral communication.—America carries English manufactures as often at least as she carries French. We might almost say, that in her character as a neutral trader she carries scarcely any thing else but English goods.

We have entered into some detail upon this subject, as there seems to be a strange misconception upon the very first principles of political economy. It is confessed, for the first time, that the merchant will lose nothing by being compelled to sell dear; and that is a matter of perfect indifference in commerce, whether the commodity reaches its market by a direct road, and therefore at a natural price, or through all the obstacles of possible interruption, and therefore at a very disproportionable and a very unnatural price.

"The only difference would be," say they, quoting the words of Mr. Randolph, an American Senator, "that the Americans will have to give a joe for a commodity, where they formerly gave a dollar."

This might be the difference to such a man as Mr. Randolph, who could equally afford to have the commodity whether it cost a joe or a dollar. But it would be very difficult with respect to the Americans in general. Every one could not purchase at a joe who purchased at a dollar. Some would endeavor, therefore, to do without, others would begin to think of substitutes. Necessity is the mother of invention. Let us not drive the Americans to resources from which it may be afterwards very difficult to recall them.

From the Liverpool Chronicle, August 5.

WAR WITH AMERICA.

From the Continent of Europe the attention of this country has been diverted to that of America, by an event which cannot be too much regretted—an action between an American and a British frigate, as we noticed in our last, in which several men were killed. This act of hostility originated in an attempt to search the American frigate, which was resisted. It is hardly possible to describe the consternation the first intelligence of this event occasioned amongst mercantile men, who contemplate the bare possibility of an American war with horror, yet the ministerial papers, with diabolical phrenzy, have not scrupled to congratulate the public on the probability of such a ruinous event taking place. If at any period it was the interest of a commercial country to enlarge its system of warfare, which has generally, if not always, ruined the cause it professed to serve, we think the present time, of all others, the most inauspicious. We sincerely hope that we shall not be plunged into a course of unmeaning hostilities with a nation which, for seventeen years, has been a profiting but silent spectatress of the convulsions which have occupied the attention of Europe—an in whose prosperity we are greatly interested. Seven millions of our annual exports have their market in America; and though nine-tenths of the revenue of America may depend on her external commerce, and its consequent diminution would become certain from a rupture with England, yet the disadvantages of a contest would preponderate against us. While we have been augmenting our public burdens, America has been changing her internal economy, and widening the sources of her commercial prosperity. Our West India colonies would become materially injured by a war, the Atlantic would teem with innumerable cruizers, to the great annoyance of our trade, and to the ruin of our manufacturers. Our government ought not to forget that several of the powers, which we assume upon the ocean, such as those of searching neutral ships, or allowing or disallowing various branches of neutral trade, are such as to occasion no slight interruption, mortification and loss to the Americans; and undoubtedly these acts, if necessary for our interests, ought to be attended with as conciliatory a language and manner as possible? There is good evidence, however, to believe that the contrary is the case, and that they are very frequently attended with circumstances of studied insult and oppression. For this, the temper of our officers and sailors, in many respects so admirable, is chiefly to blame; but it has not hitherto been sufficiently the care of government, by express and peremptory injunctions, to guard against this impolitic conduct.

At a late hour last night we received Charleston papers to the 6th ult. inclusive. Their columns are filled with details of the unhappy rencontre between the Leopard and Chesapeake, and the resolutions of meetings held in various parts of the United States, in consequence of that unfortunate affair. Our limits will not allow their insertion, but the substance of them is, to express the horror and indignation excited by the occasion—a determination to support with life and property the government, in obtaining satisfaction—to prevent all intercourse with British ships of war—to refuse all supplies—to invite the pilots to refuse their assistance towards conducting any such ships of war into their harbors—and to hold as infamous all who violate these resolutions, or refuse co-operation. At Norfolk the conduct of the citizens of Hampton, who destroyed the water casks belonging to the British frigate Melampus, was voted highly laudable and praise worthy. The meetings, it is said, have been conducted with great temper and moderation, considering the circumstances under which they met. The men taken from on board the Chesapeake, are said to be native Americans, and 17 others, are reported to be detained on board the Bellona, a ship belonging to the same squadron. The volunteer companies throughout the union are tendering their services to government. The Norfolk paper states that the irritation of the public mind, far from moderating, appears daily to increase—an officer from the Leopard had the temerity to venture on shore; the people, incensed, broke into the house where he had taken refuge, and were about to proceed to acts of violence, when captain Decatur of the Chesapeake arrived, and with great difficulty rescued him—he was afterwards put on board a boat, with a guard of soldiers, and conveyed to the ship. It was reported that threats had been thrown out, that the British squadron would obtain a supply of water by force.—Preparations were made by the people to resist the attempt. Business in Norfolk was entirely at a stand.—All party distinctions were set aside, and every man stood prepared to resist further aggression.

LONDON, AUG. 4.

The letters from Holland state that the new code of restrictive laws against the English commerce, was immediately to be distributed, and enforced with all possible rigor.

Many of the letters received yesterday from St. Petersburg, indicate a strong probability of the departure of many of the English merchants residing there from G. Britain; they add, that the commercial treaty has been enlarged for three days only; this was done on the 28th of June, to continue to the 1st. of July.

AUGUST 6.

Sir James Craig, is to go as chief governor of British America.

AUGUST 7.

A strong sensation of dread relative to our future communication with Portugal pervades the public mind. We think it very probable, that the French Emperor intends to take measures to cramp that lucrative branch of commerce which we carry on to the Tagus. Nay, it is not unlikely that the Portuguese government has received an intimation to that effect, which although not publicly known, they have transmitted to our ministers, and occasioned those vague reports on the subject that are now so general.

PARIS, JULY 4.

87TH BULLETIN OF THE FRENCH GRAND ARMY.

The Emperors of France and Russia, after 29 days residence at Tilsit, where the Imperial Palaces were in the same street, and at no great distance, took leave of each other with the greatest cordiality, and at 3 o'clock in the afternoon of the 9th. The Journal which contains an account of what happened between them, will be very interesting to both nations.

At half past four the Emperor Napoleon having received a visit from the King of Prussia, who came to take his leave, set out for Koningsberg, where he arrived at 10 o'clock at night. The King of Prussia went to Memel.

Yesterday the Emperor Napoleon inspected the port of Koningsberg, in a boat manned by the Imperial Guards. To-day his Majesty will review marshal Soult's corps, and at 2 o'clock tomorrow he will set out for Dresden.

The number of Russians killed in the battle of Friedlan amounts to 17,500, the prisoners to 40 000; 18,000 of whom have passed through Koningsberg, 7000 remain sick in the hospitals, and the rest have been conducted to Thorn and Warsaw. Orders have been given to send them to Russia without delay; 7000 have returned again to Koningsberg. Those in France are to be formed into provisional regiments The Emperor has ordered them to be clothed and armed.

[After mentioning the ratification of the treaties with Russia and Prussia, it is added—]

After such events as these, one cannot but smile, when the great English expedition is mentioned, and at the new frenzy which animates the King of Sweden. Besides, we may remark, that the army of observation between the Elbe and the Oder, is 70,000 strong, exclusive of the Grand Army, without including the Spanish division, which are now upon the Oder also. It was, therefore, necessary for England to bring her whole force together, her soldiers, her volunteers, fencibles. &c. in order to have made a diversion of any interest. But when we take into our account, that England, under the present circumstances, has sent 8000 men to Egypt only to be slaughtered by the Arabians, and 7000 men to the Spanish W. Indies, we can alone feel sentiments of pity for the extravagant avarice with which that Cabinet is tormented.

The peace of Tilsit puts an end to the operations of the army; notwithstanding this, all the Prussian coasts and ports will be shut against the English, and it is probable that the continental blockade will not prove a mere sound.

The Porte is included in the treaty. The revolution which lately occurred at Constantinople, was the antichristian revolution, which has nothing in common with the policy of Europe.

The adjutant commandant Guillemi-not is gone to Bessarabia, where he will communicate to the Grand Vizir the intelligence of the peace, and the liberty given to the Porte to take part in it, as well as of the conditions of the treaty in which the Porte is interested.

WASHINGTON CITY,

MONDAY, SEPTEMBER 21.

Extract of a letter from Amsterdam, dated in the beginning of Aug.

"The present emperor of Austria is in future to be king of Bohemia, and the archduke Charles is to be king of Austria, the arch duke Constantine, Brother to Alexander, comprehending Moldavia, Wallachia, and part of Poland—the present king of Prussia to have part of his dominions restored to him; Murat, duke of Berg, to be king of Poland; Jerome Bonaparte to be king of Westphalia, and to marry the daughter and only child of the king of Saxony; Jean Beauharnois, son of the present empress Josephine, to be king of Holland, (Louis Napoleon retiring) Joseph Bonaparte present king of Naples to be king of Italy; and Ferdinand the former king of Naples to be restored, the present confederation of the Rhine to remain, and a confederation of the North to be formed under the patronage of Alexander, whose sister the emperor Napoleon is to marry after repudiating his present wife."

We have received the Leyden Gazette of the 28th July, which, however, contains no news of consequence.

We are obliged to defer the publication of "Respondent," from the superior claims of other articles.

COMMUNICATION.

On the tenth Instant the First Regiment of the Militia of Maryland commanded by Col. R. Hawkins assembled for the purpose of consulting what steps were necessary to be adopted in obedience to the requisition of the commander in Chief, calling for the quota of the militia of Maryland.—

The regiment being formed and having with great adroitness performed the accustomed military evolutions, the Proclamation of the President of the United States was read to them by brigadier general Caleb Hawkins, after which he addressed them in the following patriotic and eloquent terms.

Fellow Citizens—It is with the utmost satisfaction that I have read this manifesto of the President, addressed to the citizens of the United States—because I believe it contains not a sentence the truth of which can be denied—It is a mirror which presents without distortion or aggravation, the genuine features of the British character, as exhibited in its transactions with this country—it gives a striking view of American moderation and love of peace, contrasted with British violence and injustice. It is a solemn call upon the people of the United States either to relinquish the honorable stand which they have hitherto maintained among the powers of the Earth, or to rally round the standard of their government, a government of their own choice—and by a dignified attitude, and manly resistance, convince our enemies, that our forbearance has not proceeded from cowardice, nor our attachment to peace flowed from a love of gain—Let us convince them that, in our estimation, loss of honor is the greatest evil that can befall a nation, and that we prize it, much too highly to surrender its keeping to any power whatever—that to preserve it, we are ready to encounter all the hazards and submit to all the privations of war, that in the maintenance of our just rights, we will meet them hand to hand, and foot to foot, nor ever relinquish the prize but with our lives.

Let it be proudly recollected by every American, that at a period of national infancy, unsupported by foreign aid