cuted by the government, no state secrets should prevent the production of every paper necessary for his defence. *Gen. wilkinson* said, he wished it to be understood that these were very imperfect translations of the letters from the original Spanish, and therefore, that he could not deliver them, but under the stipulation that they should be accurately translated before publication; as he had discovered Gov. Cordero and Gov. Herrara to be officers of polished education, from his correspondence with them.

He had made this stipulation, as a duty which military men owe to one another throughout the world. These letters contain the Convention; a convention without an article. The Chief Justice said that he would not compel the production of the convention, unless its bearing on the case be shewn. *Mr. Martin.* We have a right to it—I hope it will be noted that we have made a solemn demand of these papers.] General Wilkinson proceeded—The next question was, whether I had not made private communications to Lieut. Jones. I have said that I gave no orders to lieut. Jones; but if I had, here are documents to shew, if not a justification of my conduct in all the measures I pursued, at least an extenuation. [Here general Wilkinson presented several papers shewing the agitated state of New-Orleans, and the dangers with which it was threatened. They were not read. See notes O. P. Q. R.]

Mr. Wickham to Gen. Wilkinson. Do you recollect the last question I put to you; has your conduct in seizing Swartwout, Bollman, Ogden and Adair, been approved or disapproved by the government; and have you received any communications from the government on the subject? General Wilkinson said he must refer to his Honor to know whether he was bound to answer that question.—[The Chief Justice declared that it might be answered under the restrictions already laid down.] General Wilkinson—I can say that three of those persons, perhaps four, were seized on my own responsibility, without any orders from the government *Mr. Wickham.*—which three? Answer. Bollman, Swartwout, Ogden, and perhaps Adair. *Mr. Wickham*—Had you any orders then, or afterwards to seize them; had you any orders with respect to the seizure of Col. *Burr* by military force? A. No. Not at that time. Q. Had you any afterwards? Gen. W. That is a question of very great delicacy with me. (Addressing the judge.) Can a question be fairly put, & an answer coerced which may destroy a man's honor? [Mr. Wickham said there was no rule of law which prevented a witness from giving an answer, unless it subjected him to a criminal prosecution. Mere sympathies were no cause of refusal. However unpleasant those questions might be to general Wilkinson, it would be a shameful dereliction of duty in the counsel of *Col. Burr* not to put them. He said he had not experienced any sympathies toward his client.] Gen. Wilkinson to the judge. Is a trial before a court martial similar to a criminal prosecution? I might be subjected to military punishment, to as severe punishment as could be inflicted by a civil tribunal, for revealing my orders. The Chief Justice said that he was not sure that General Wilkinson could be required to answer that question. [Mr. Wickham contended that there could be no articles of war which could punish a man for disclosing what he was called upon to declare in a court of justice. The court had a right to require the disclosure, and it would enforce its own authority. Mr. McRae contended that when the answer required would lead to the discovery of a fact which might subject a man to punishment, it was always deemed a good reason to withhold it. He undertsood the answer which might be given by gen. W. to be of this nature. The question was calculated to extract from him a fact, the disclosure of which might tend to subject him to punishment. He could not say what would be done before a military tribunal—but it was possible that he might be punished if he should answer in a particular way. Suppose he should say that the government did not authorise him to seize the persons of B. and his accomplices—and that he acted upon his own responsibility; or, suppose he should be acting under the authority of the government, but upon examining his powers, should find that he had transcended them; would not a disclosure of this fact criminate him, and subject him to prosecution. The *Chief Justice* said, that the question did not lead to the fact of seizing those persons, but to the authority with which it was done. If gen. W. had committed the act with authority, he must shew his orders. *Mr. wickham* said he did not believe that any thing which gen. W. could say would be legal evidence in the cause. It was not that kind of evidence which was admissible in prosecutions of this nature. But it was important to know what orders the government had given, and whether he had exceeded those orders.—*Mr. Martin.* We wish to know the conduct and character of the government on this occasion. We wish to know whether any and what orders were given by the government. Is there to be one rule to the prosecution who wish to take the life of a man away, and another rule as to the man whose life they seek to take. *Mr. Hay* had no objection to an answer from gen. W. as to the conduct of the government throughout. He said that Mr. Martin disclosed his real object to be to try the government, and not the accused. Will this ascertain the innocence or guilt of col. B.? The object evidently was, to arraign the government before the bar of the public—but he was perfectly satisfied that when the conduct of the government should be known, the people of the U. S. would think that the government had done exactly what it ought to have done. *Mr. wickham.* In commenting on the evidence we shall endeavor to shew that a number of witnesses have been bro't forward by the government who have taken a most decided part in the prosecution; and that their real object has been to render themselves acceptable to the government.] *Gen. Wilkinson.* I had an order from the government. *Mr. Wickham.* From what department? A. From the administration. Q. From whom? A. From Mr. Jefferson. Q. Have you any written order? A. I have among my papers, but I will not produce it. I had rather go to jail. *Mr. Wickham* demanded the production of the order: but said that if gen. W. required time to consider of the consequences of a refusal, he had no objection to allowing it to him. Gen. W. addressing the Judge. You are from professional experience more competent to decide on the propriety of revealing my orders than I possibly can be.—The letter which conveys the particular order alluded to, may embrace a variety of other matter, many parts of which it would be highly criminal in me to divulge. I conceive I should forfeit my honor and the confidence of all military men, if I were to reveal my correspondence with the government, without the command of my superior. (Mr. *Hay* had no doubt but the order was in strict conformity with law; but if there be private and confidential communications in the letter, it would not be required of gen. Wilkinson to produce it. *Chief Justice.* If the order be mingled with other things private and confidential, the court will not require its production.) *Mr. wickham* to gen. Wilkinson. Did you by letter or otherwise, request any person not of the army to seize col. Burr and put him on board a vessel A. I gave instructions to a gentleman who is now here, Silas Dinsmore, Esq. and who is not of the army. Q. Did you give such orders to others? A. I recollect Dr. Carmichael; but no other person, except the officers of the army. Q. Do you recollect expressing to any person that he would confer the highest obligation on the government by seizing Col. Burr? A. It is probable that I did, for these were my sentiments. My great object was to apprehend him and deliver him over to the civil power for trial; and the city of Washington was the place to which I wished him sent. But I had no idea of doing an injury to his person. I recollect a German came to me & proffered to take col. B.—but on coming to particulars, he said he would take him dead or alive. I was shocked at the idea, and declined employing him. Q. Have you the cypher, No. 2? A. I have not. Q. Are you acquainted with a person by the name of Kibby? A. I am acquainted with two of that name. Q. Where do they reside? where does Timothy Kibby reside? A. In Louisiana. Q. Have you had any conversation with him on the subject of an invasion of Mexico, and when? A. I cannot recollect. I have seen a deposition ascribed to him, inserted in the public prints, which is replete with falsehoods. Q. You are not certain then whether you ever wrote a letter to him on the subject? A. I am certain that I never wrote to him specifically on the subject. He was an officer of the militia, and I might have corresponded with him on some matters relating to his command. I recollect to have received an order from the government to ascertain the strength of the militia in the territory, and I might have spoken or written to him on that subject. Q. Can you say whether you did or did not? A. I cannot. Q. Did you inform him of the object of lieut. Pike's expedition? A. I think not; from the deposition I have seen. Here are my orders to lieut. Pike. [Gen. W. produced his instructions to lieut. Pike. See Notes S. T.] This is the information given by me to gen. Sam. Smith—which goes to illustrate my ideas of the state of our controversy with Spain. [Here gen. W. read the extract of a letter annexed, marked V.]

(TO BE CONTINUED.)

LATEST PROCEEDINGS.

On Tuesday, *Mr. Hay* offered the affidavit of Benjamin Stoddart, Esq. which he had just received from that gentleman.—*Mr. Burr* objected to its production, on the ground that Mr. S. ought to have been present to be cross-examined.—The affidavit was not received—*Mr. Hay* then moved for an attachment against Mr. Stoddart; which was awarded by the court.

Mr. Wirt observed that he had understood the gentleman who had opened the cause on the part of the defendants, had asserted that a system of espionage had pervaded the transactions in the Western Country, of which Mr. Graham was said to have been the first minister.—"I hold in my hand, says Mr. W. the original instructions of the Secretary of State to Mr. Graham, which I offer as evidence to the court."

Mr. Burr objected to their production, on the ground that this paper referred to previous "*verbal explanations.*"—The *Chief Justice* observed that there was no necessity for their introduction; that according to Mr. Graham's own statement, he had been commissioned by the government to enquire into the situation of the Western country, in a character very different from that of a Spy; & that no evidence had been produced to disprove these statements.

Mr. Wirt observed that if no further allusion was made to Mr. Graham as discharging the services of a spy, he should wave the reading of those instructions; but if the opposite counsel thought proper to press such insinuations again, he should consider it necessary to reproduce this paper.

Mr. Martin then resumed the argument on the motion for commitment.

It is understood that Daniel Clark, Esq. of New-Orleans, a Mr. Powers, & a Dr. Cumming has arrived in this city, as witnesses on behalf of the accused.

Commodore S. Decatur has arrived as a witness on the part of the U. S.

On *Wednesday* Mr. Martin closed an argument, which had occupied three days. On *Thursday* Mr. Wickham commenced his argument.

From the rapidity of Mr. Graham's pronunciation, it was impossible for us not to commit some inaccuracies in the report of his testimony. Mr. G's absence prevented us from having the opportunity of correcting it before it was published. The two following errors occur in the statement of his opinion as to the Ouachita land:

Mr. Graham did not tell Mr. Blannerhassett that *Col. Burr* would have no title under Bastrop's grant. He hazarded a doubt or gave an opinion on that subject, for which he assigned his reasons; among these, that col. Lynch (under whom he understood Col. B. claimed) had purchased a part of this grant from Mr. Edward Livingston—that *he* had not complied with the conditions of the contract, and that it had been set aside by a decree of the supreme court of the Orleans Territory.—From the manner in which this circumstance is reported in the Enquirer, it might be supposed that col. Lynch had no claim to any part of this grant, save what he derived from Mr. Livingston; an idea which Mr. G. never meant to convey to Mr. Blannerhassett or any other person; for he expressly told Mr. Bl. that col. L. had a claim to a part of this grant, which he derived from another source. Mr. G. mentioned the purchase from Mr. Livingston, because he was under the impression that col. Lynch had sold his whole interest in this grant to col. *Burr.*

When Mr. Graham was asked as to the character of this land he answered, that those who were interested in it said it was very good—those who were not, said that some of it was fine land; but that a *great part* of the grant was covered with water. Mr. G. did not mean to say as it is stated in the Enquirer, that the "*greater part*" was in that situation.

STRAYED OR STOLEN,

FROM the premises of the subscriber, about the 6th day of September last, a DARK BAY MARE, remarkably fat, about thirteen and an half or fourteen hands high, not gaited, has a natural trot and a white spot on the left side of her jaw, no other marks recollected. Any person who will return the said mare or will give information where she may be had, shall receive five dollars reward, and no questions asked—If stolen, 50 dollars will be given on prosecuting the thief to conviction by applying to

G. DOCKER,
Capitol Hill.

October 19—3t.

Foreign Intelligence.

New-York, Oct. 14.

The fast sailing ship Swift arrived at this port last evening, in 31 days from Liverpool, by which the Editor of the Daily Advertiser is put in possession of London dates to the 8th and Lloyd's Lists to the 2d Sept. From these we learn the confirmation of the surrender of Copenhagen on the 25th Aug. to the British troops and fleet under the command of Ld. Cathcart and Ad. Gambier, when the town and all the Danish navy were put in the possession of the British. Upon the debarkation of the troops, a proclamation by the commander in chief of the British land and sea forces was issued, declaring the circumstances under which they had felt themselves compelled to proceed to the debarkation of the army. English property is sequestered by circular letters from the Crown Prince, and all Englishmen, who are not Danish Burghers are arrested. STRALSUND, after a long siege is said to have surrendered at last to the French. Of American affairs little is said.—The Revenge arrived at Falmouth on the 28th August, having first landed dispatches at Brest on the 26th.—They were taken immediately to London by an officer of the Revenge, and the London Editors had commenced but partially their speculations on their contents—Sir James H. Craig, appointed governor of the Canadas, New Brunswick and Nova Scotia, had sailed for Quebec in the Horatio—No mention is made in the London prints of the 15,000 troops destined, as was said in the account from Boston, for Canada and Nova-Scotia—The three battalions, mentioned by the arrival of the packet, appear to have been the only force at present ordered out—The papers contain the correspondence between the Danes and the British, which on account of its length and the lateness of the hour at which our papers were received, we are obliged to postpone till to-morrow.—Many other interesting articles will be given in course.

LONDON, SEPT. 1.

It is reported that Mr. Munroe has received instructions from the government of America, desiring him positively to insist on our relinquishing the right of searching any of their vessels for men, whatever their rank or condition may be. They do not require us to give up the right of searching for merchandize; but they declare that they will never permit any of their vessels, whether ships of war or merchantmen, to have their men taken out, after they have left their ports. Report says our ministers are only allowed four days to consider of these terms.

SEPT. 2.

There seems little reason to expect that Bonaparte will suffer Portugal to retain her independence or to be classed any longer as one of the kingdoms of Europe. After having made her pay over and over again the price of her neutrality, he seems now to have determined that the family of Braganza shall cease to reign.

Already have measures of hostilities been adopted by France; and according to letters from the French coast of the 26th ult. an order had been issued for laying an immediate embargo on all Portuguese vessels in the ports of France, which order had already been very generally carried into effect.

SEPTEMBER 3.

Upon the landing of the troops in the island of Zealand, the commander of our sea and land forces published a proclamation declaratory of the circumstances under which it had been deemed necessary to debark the army. It enforces the necessity of taking measures to prevent the arms of neutral powers from being turned against us. It states "his majesty has sent negociators to request a concurrence in such measures as can alone give security against the farther mischief which the French meditate through the acquisition of the Danish navy." It desires the temporary deposit of the Danish ships of the line, in one of his Majesty's ports; offering the most solemn pledge, that if the demand should be "amicably acceded to every ship belonging to Denmark shall at the conclusion of a general peace be restored to her, in the same condition and state of equipment as when received under the protection of the British flag." The temporary possession of Copenhagen, or of any part of the Danish territories, is not demanded, though some of the foreign papers asserted such a demand to have been made.

SEPT. 4.

We are sorry to state that intelligence has been received of the surrender of Stralsund to the French.—Whether it had been bombarded by the French we know not—but the Swedish troops, we hear, retreated to Rugen.

SEPTEMBER 5.

The dispatches by the Revenge cutter, from America, were on Thursday presented to Mr. Canning by Mr. Munroe, the ambassador from the United States. The surgeon of the Chesapeake is arrived in the Revenge, for the purpose of giving an ample description of the affair between the Leopard and that ship.

Accounts received in town leave us no room to doubt of the hostile disposition of Russia. British subjects were absolutely killed and insulted in the streets of St. Petersburgh. As some compensation, however, Lord Gower had succeeded in getting the subsidy reshipped, and, as they say in Scotland, "We maun tak' the bit and the buffit wi't."

SEPTEMBER 7.

Letters have been received in town this morning from Holland, dated the 20th ult. which state, that Copenhagen, together with the fleet consisting of twenty sail, surrendered after a bombardment on the 24th.

We have made every enquiry as to the truth of this report, but cannot learn any thing which induces us to place any credit in it. On the contrary, we have seen letters from Hamburg of the 28th, which makes no mention of the fact; and we have just learned that Dutch papers to the 2d inst. were received in town this morning, which are likewise silent on the subject. *Statesman.*

Statesman Office, 2 o'clock, P. M.—We have just learnt, that letters are in town from Holland, of the 3d instant, which state, that all kind of communication between this country and Holland is now put a stop to; not even a passage boat is suffered to leave the Dutch ports.

It is said that Bonaparte's ministers at Vienna and St. Petersburgh have exerted every possible effort to cause the commercial agents of those courts now in Great Britain to be recalled, and also to effect the expulsion of all British agents from Austria, Russia, &c.

We hope that as the surgeon of the Chesapeake is come over to England, he will be able to heal the differences between the two countries.

The official dispatches of the commanders of the expedition against Copenhagen were published in Saturday's Gazette. We have been in possession of their substance for some days, but the details will, notwithstanding, be read with interest. It appears from the journal of the military operations, transmitted by Ld. Cathcart, that very little opposition was offered to the investment of the town. In the course of eight days the loss of the British troops, officers and soldiers, amounted only to four killed and two wounded. The German Legion, the returns of which are wanting, having been solely engaged in the only two affairs of any importance might have suffered more, but as in the principal of these the Danes were taken by surprize, the loss was probably not considerable.

The account of the operations is not brought down to a later date than the evening of the 21st ult. We understand, however that the post of Roeskilde, in front of which a sharp affair took place on the 20th, fell into our possession on the 22d, but having been entered after the dispatches were closed, the fact could not be officially announced in the Gazette.

The preparations for bombarding Copenhagen on the land side were considerably advanced on the 21st, and would, it was supposed, be completed within two or three days after, when, notwithstanding the failure of the recommendation made to the commanding general on that day, the garrison would be again summoned to surrender. It is obvious, from the little resistance made to the advance of our army and the erection of batteries, that the amount of the Danish force in Copenhagen has been much exaggerated in the Dutch and German Journals. If Gen. Peyman could have brought any thing like 11,000 regulars into the field, exclusive of militia, we should not, however great the exertions and bravery of our troops might have been, have been able to completely invest the town on the day after the disembarkation of a part only of our force. With means so obviously inadequate to successful resistance, it is hardly to be expected that the Gov. of Copenhagen will resolve upon a protracted defence, and expose it to the horrors of a bombardment. We rather think that he will open a negociation, when he finds that the preparations for attacking the town on the land side are completed, and agree to the surrender of the fleet upon the terms stated in the British proclamation. It is possible, however, that for the purpose of preventing the occupation of Holstein by the French, and impressing them with