

# Supplement to the American... June 3, 1807.

## TRIAL OF AARON BURR.

Continued from the American of this morning.

Circuit Court of the United States, VIRGINIA DISTRICT.

Richmond, May 23, 1807.

Major Joseph Scott, the marshal of the district, was thereupon examined. He said that he had shewn the judges themselves a letter from Mr. John Taylor, of Caroline, who had been summoned, and they had said that his excuse expressed in that letter was sufficient. He had therefore summoned Col. James Barbour, of Orange, in his room; but did not say that the judges had directed him to do so, although he conceived it to be his duty in consequence of what had passed between him and them. He acknowledged also, that Mr. John M'Kee, who had been summoned, having since that time left the State, he had under similar impressions summoned Dr. Wm. Foulchee.

The court decided that Mr. Barbour and Dr. Foulchee, had not been legally added to the panel of the grand jury; they were therefore withdrawn.

The panel having been reduced to 16 by the removal of those gentlemen, improperly summoned, Col. Burr expressed some regret at exercising the privilege of challenging 2 others for favor. If the right was conceded, it might be necessary to appoint triers and go into an examination of witnesses. He wished it to be distinctly understood, that he claimed the same right of challenge in the face of the business, as if the cause were now before the petit jury.

Mr. Hay denied the right of the accused, making objections to any individual on the panel. Mr. Batts said that the law was expressed upon the subject, that the cause of challenge would be made out, although he assured the court, no reflection whatever was intended on the jurors—He then read the section of the law as regards this privilege, and endeavored to shew how the matter stood, both by common law and statute.

Mr. Hay withdrew his objections. Col. Burr. "There are two individuals on the panel, against whom I have cause of challenge—one of these, the matter being public and of notoriety, does not require proof. The cause of challenge against the other, however, requires to be substantiated by proof. The first that I challenge is Mr. Giles. It is well known that this gentleman while a senator of the United States, had occasion to pronounce an opinion respecting my guilt, on a motion which was made for the suspension of the habeas corpus act. This act the court are satisfied, can only be suspended in case of actual rebellion and insurrection. As Mr. Giles therefore voted for the suspension of the habeas corpus act, it is to be presumed, that he felt a conviction of my guilt. Besides, I think it could be established still farther, sir, that Mr. Giles has since that period, confirmed the opinion which he then gave.

Mr. Batts said he presumed there could be no necessity for adding to what Col. Burr had said.

Mr. Hay proposed that if any of the grand jurors against whom Col. Burr or his counsel might see cause of challenge, he should have no objections to their withdrawing of their own accord.

Col. Burr assented to this.

Here Mr. Giles made a very handsome and impressive address to the court, which neither our limits nor present plan will permit us, at this time, to insert. We will, however, briefly remark, that he said, it had been an uniform rule with him neither to solicit nor refuse an appointment to any office which his country thought him qualified to fill. It was a very unpleasant thing for him to be summoned as a grand juror at the present term, but having been summoned, he had resolved to waive all objections of a personal nature. He regretted that there had not been energy enough in the house of representatives in congress to suspend the writ of habeas corpus—a measure which he then thought and still thinks the state of the country required. Upon this case he was about to pronounce his real impressions. He meant ultimately to withdraw, but wished to remove certain impressions which had been made.

The chief justice observed that two circumstances must concur, in order to disqualify him as a juror, the one was, that he must have made up an opinion on the case, the other was, that he had declared that opinion.

Mr. Giles wished to explain the state of his own mind. He had made no opinion. He wished, indeed, that the public mind should be satisfied, and that the true character of Col. Burr's transactions should be ascertained.

Col. Burr explained. He assured the gentleman, it was very far from his intention to hurt his feelings, or that he did not impute any blame to him for the opinion he had formed; but having formed that opinion, and having pronounced publicly upon his guilt, it was impossible he could entirely divest himself of a bias against him. That it was not in the power of human nature, after having formed decided sentiments on any subject, and for a length of time continuing to entertain these sentiments, suddenly to lay them aside, and to judge with the same impartiality, as if they never had been formed. He lamented also, that such was the state of society, and prejudice and error had been so much abroad in the case now before the court, that he saw very little prospect of the grand jurors having their minds entirely free from opinions on the subject on which they are called to decide. The other grand juror, who he intended to challenge, was Wilson Cary Nicholas. This gentleman he had been informed, had expressed himself on several occasions in very decided terms against him.

Col. Nicholas observed, that upon being summoned by the marshal, he had pressed him in the most forcible manner to release him. He doubted the propriety of his serving in this particular case, as the various relations in which he had stood as a public character to Col. Burr, might create some bias in his mind. That he was in congress, with Col. Burr, when the nomination of president and vice president was made, which terminated in an election that presented Mr. Jefferson and Col. Burr, with an equal number of suffrages for the decision of congress. When Col. Burr went to the western country, his suspicions were excited. He gave perhaps too ready a credit to the evidence which had transpired; but which was not sufficient to form a conclusive opinion. The marshal refused to excuse him, he was obliged to attend. He did not choose that wrong impressions should be made, with respect to his motives, had he been absent. Attempts he said had been made to intimidate him. He had been told if he attended as a juror, such representations would be made of his public conduct as would be highly injurious to his feelings. Under all these circumstances he felt

some difficulty. He had consulted lawyers of the first talents, who informed him, that the court would not, for such causes, excuse him. He felt embarrassment from two considerations; the one was that his retiring might have sanctioned those objections; the other was, that he did not wish to shrink from the performance of a public duty. But he consented to retire.

Col. Burr remarked, that the circumstance mentioned by the gentleman, that attempts had been made to intimidate him, were calculated to throw a suspicion on his cause. Such a course was not sanctioned by him. It must have been the work of some of his enemies. He disclaimed such conduct.

The court was of opinion that every person who had formed an opinion on the subject in question, was an improper juror, and ought to be rejected.

Mr. John Randolph, being in court, was called upon to serve as a grand juror, nominated the foreman of that body.

Mr. Randolph made a few remarks of the following nature.

"I have formed no opinion on the case now before the court, for I yet do not know what that case is; but I have entertained and formed sentiments in regard to the gentleman who now stands before us. Yet, without arrogating to myself any extraordinary powers, I think I could direct myself of any prepossessions I may have formed with respect to the proceedings of Col. Burr. It is true I have had strong prepossessions; but I do not recollect, sir, having ever declared an opinion. I certainly never, sir, delivered an opinion in decided terms."

Major Eggleston then addressed the court, praying to be excused. He gave as his reason, that on reading general Eaton's deposition, and the other documents which were laid before congress, he had felt and expressed sentiments expressive of a belief of the guilt of Col. Burr. He did not doubt, however, but the opinion which he had formed might be altered on hearing further testimony; yet he imagined that from the impressions which were made upon his mind and which possibly could not be entirely eradicated, that he was an improper person to act as a juror in the present case, and was therefore desirous the court would excuse him.

Col. Burr remarked, that from the extreme candor which the gentleman had shewn in thus voluntarily stating the sentiments which he had imputed, he was fastened the opinion which he would give on hearing all the evidence that should be offered, would be as free from prejudice, as perhaps any person, who might be found. He therefore hoped the gentleman would continue as one of the grand jurors.

Doctor Foulchee being called, observed that from some circumstances, he felt a difficulty about the propriety of his serving. He stated that after having read the president's message, the testimony of Gen. Eaton, and the several publications which had appeared in the papers, respecting Col. Burr, he had frequently since declared his opinion of Col. Burr's guilt. He believed, however, he could as easily avoid his mind of prejudice as any other man, and if on the perusal of other evidence, it appeared that the reports in circulation were false, that the opinion which he had formed, would certainly be changed. That his present opinion might be laid to be a hypothesis only, and predicated on the supposition of the truth of Gen. Eaton's testimony, and similar publications.

Col. Burr remarked, that as the evidence which was to be laid before the grand jury, would be altogether testimony on the part of the commonwealth, that so far from tending to alter the opinion Doctor Foulchee had expressed, to have formed, it would tend to strengthen it. He said he believed, that the evidence of the grand jury had to consider, was entirely an ex parte evidence, and that no testimony to abate the impressions which the gentleman had imputed, would be offered. He therefore trusted, the court would order Doctor Foulchee to withdraw.

Mr. Wickham and Mr. Edmund Randolph, respectively delivered their opinions as to the propriety of the doctor serving as grand juror, from the statement which he had made.

Mr. Hay replied, it such objections were to be sustained, that the court might at once discharge Col. Burr of his recognizance, & let him at liberty; for he would affirm, that no grand jury could be empanelled, the majority of whom had not formed or expressed some opinion from the publications which they had read respecting his guilt. That Col. Burr and his proceedings, had been the constant subject of conversation and newspaper discussion, for the last six months, and that it was impossible even to find a boy of the age of sixteen, who had not formed their opinion, either of his innocence or guilt.

Mr. Randolph and Col. Burr, again replied, and the court on consideration suffered Dr. Foulchee to withdraw.

Col. James Barbour, being next called, stated some impressions which he had felt of a similar nature with those described by Doctor Foulchee, but they were not esteemed sufficient by the court.

The following gentlemen were then sworn on the grand jury: John Randolph, foreman, Joseph Eggleston, Littleton Waller Tazewell, Robert Taylor, William Daniel, Jr. John Mercer, Edward Pegram, Munford Beverly, John Ambler, Thomas Harrison, Joseph C. Cabell, James Pleasants, Jr. John Brockenbrough, Alexander Shepherd, James Barbour, James M. Garnet.

The chief justice, delivered a charge, the reading of which occupied about a quarter of an hour, in which he enumerated the several offences cognizable by them under the laws of the United States, and particularly defined the crime of treason.

After the grand jury had retired, Colonel Burr addressed the court on the propriety of specially instructing the jury in regard to the admissibility of certain evidence which he supposed would be laid before the grand jury by the attorney of the U. States.

Mr. Hay opposed the application, he said he should never agree to it, and he trusted the court also would never sanction such a precedent.—That Colonel Burr stood before the court on the same footing as any other citizen, and he hoped the court would not distinguish between his case and that of any other.

Col. Burr replied, and endeavored to shew the necessity of the jury being specially instructed in the present case, that there were many points on which the best informed might be ignorant, or entertain doubts. That the prosecuting attorney, had mistaken his meaning, if he supposed he wished to be considered as standing there on a different footing from other citizens. That he viewed himself only as entitled to the right which belonged to every citizen. He said it was not his intention to condemn the charge which had been given by the court; but he was desirous that many things which he was expressive might come

under the consideration of the grand jury should be fully explained by the counsels.

Mr. Wickham, Mr. Randolph, & Mr. Batts, severally spoke in behalf of this proposition of Colonel Burr; but the question was referred for further discussion on Mr. Hay pledging himself that no evidence should be laid before the grand jury, and no step taken, without notice being first given to Colonel Burr and his counsel.

The names of the witnesses summoned in behalf of the United States were then called over, and the following were recognized to appear on Saturday.

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|---------------------|-------------------|
| John G. Henderson,  | Ambers Smith,     |
| Hugh Phillips,      | William Eaton,    |
| Erick Bollman,      | Samuel Swartwout, |
| James Reid,         | William Duane,    |
| George Morgan, J    | Leonor Domain,    |
| William Spence,     | Thomas Petekin,   |
| Elias Grove,        | Samuel Fairlamb,  |
| James L. Donaldson, | William Wilson,   |
| William C. Mead,    |                   |

**Trial of Burr.**—The above detail, of the first day's proceedings, on the trial of Burr, has been collected from the Richmond papers, in which reports have been published.

## NEW-YORK, June 1.

From this day all vessels arriving at the port of New-York, are obliged to come to at the quarantine ground, where they are to undergo an examination by the health officer. Vessels from the West Indies are to perform a quarantine of four days; after which, if healthy, they may anchor at the distance of three hundred yards from the wharves. No alteration has taken place in the quarantine law since last summer.

Though the Irish papers received at the office of the Mercantile Advertiser by the ship Rover are not so late by four days as were received by the Dartmouth, they contain some interesting articles which had not before come into our possession. Of these, the address of Bonaparte to the Senate, the account of operations in Turkey, and the two additional bulletins, from the French Grand Army, will excite considerable attention. The rumor of a peace between Russia, England and the Porte, has no foundation in truth.

## Vienna Court Gazette, March 24.

The Porte continues its preparations of defence with additional ardor. Numerous batteries are establishing along the European and Asiatic coasts, on which several hundred pieces of cannon will be placed. Every great officer of the Porte, even the Reis Effendi, has his post assigned to him in the line of defence. The Grand signior has personally repaired to the works, to animate the laborers by his presence. The Captain Pacha, and the Tefterdar of the Marine, have been displaced and banished to Rostoto. Hadschi-Ibrahim-Effendi has been appointed First Secretary of the Admiralty. The Bosphorus squadron has been recalled.—Every vessel in the Arsenal fit for service, has been sent to Topham, to be got ready for sea. For want of seamen, crews are to be got from among the Janissaries.

## March 28.

The following intelligence, dated the 3d of March, has been received from Constantinople. On the 28th of February, the English attempted a landing on Prince's Island, but it miscarried. Their loss on the occasion is stated at 400 killed and wounded, and 200 taken prisoners. The following day the fleet weighed anchor, and proceeded to the Dardanelles.

The number of Turks who took up arms in Constantinople and its vicinity, amounted to 100,000. Public order was not in the least disturbed in that city. The Grand Signior had no show the slightest disposition to leave the place, as had been falsely asserted.

## LONDON, April 8.

By the American ship Betsey, arrived off Dover from Teneriffe bound to Tonningen, we are informed, that an enemy's squadron, destined for the coast of Africa, consisting of a frigate and two corvettes, arrived at Teneriffe two days previous to her sailing from that island, and landed there the crews of two briggs bound to Newfoundland, which had been scuttled.

## April 15.

Government, it is said, received authentic advice yesterday, by way of Hamburg, that 11 Turkish ships of the line had been burnt in the Dardanelles, by the boats of the British squadron.

The fire by which his majesty's ship Ajax has been destroyed was merely accidental. It took place below deck, and after burning for some time reached the magazine, when she blew up. The ship was cruising in the Archipelago at that time.

## April 17.

According to accounts from Dantzic, dated the 27th of March, the French have cut off all communication between that place and Konigsberg.

At first a bombardment was feared, and a corps was formed, intended, in that case, to protect the rich magazines which for the most part are situate close to each other. Those which were at Elbing have been removed to Thorn. General Kalkreuth, according to the ancient custom of war, announced his arrival at Dantzic to the French Gen. the latter replied to this politeness by testifying a wish that some accommodation might be agreed on between them to save the city from the horrors of a bombardment; but the Prussian Gen. returned for answer, that he was determined to bury himself under the ruins of the city, rather than surrender it.

## FRENCH GRAND ARMY.

### SIXTY-SEVENTH BULLETIN.

Ostrowsk, March 25.

On the 14th inst. at three in the afternoon, the garrison of Strallund, taking advantage of a fog, made a sortie with two thousand infantry, and six pieces of cannon, in order to carry a redoubt thrown up by General Dupas. The redoubt, which was open, without palisades and without cannon, was defended by a company of Voltigeurs, of the 3th of the line (light infantry) under captain Parvill; they repelled all the attempts of the Swedish brigade. Fifteen Swedish soldiers reached the parapet, but there found their death. All the enemy's attempts were equally fruitless. Sixty-two dead bodies of the Swedes were buried at the foot of the redoubt. It is supposed that one hundred were wounded and 50 were made prisoners, although there were no more than 150 men in the redoubt. Several Swedish officers were found among the dead, distinguished by the military decorations. This instance of bravery has attracted the Emperor's attention. His Majesty has sent three orders of the Legion of Honor for the companies engaged. Captain Drivet, who commanded on this weak redoubt, highly distinguished himself.

On the 26th Marshal Lefevre ordered the brigade under Gen. Schraaun to cross over from the island of Nogat, in the Frisch Haaf, in order to cut off the communication between Dantzic and the sea. These orders were carried into execution at three in the morning. The Prussians were routed, and 300 of them fell into our hands.

At six in the evening the garrison of Dantzic sent out a detachment of 4000 men to retake the post; but they were repulsed with the loss of some hundreds of prisoners, and one piece of cannon. Gen. Schraaun had under his command the 2d battalion of the 2d regiment of infantry, and several Saxon battalions, who distinguished themselves. The Emperor has sent three Orders of the Legion of Honor to be distributed among the Saxon officers, and three more for the privates, subalterns, and the Major who commanded them.

In Silesia, the garrison of Niefs has made a sortie, but fell into an ambushade. A regiment of Wirtemberg cavalry took three troops in flank, killed 50, and made 60 prisoners.

The winter in Poland seems to have resembled the winter in Paris, that is to say, variable.—It freezes and snows in alternate succession. However, we have the good fortune not to have any sick in the army. On the contrary, all accounts agree that the Russians have a great number sick. The army remain tranquil in its cantonments.—The works which compose the fort du pont, of Sirock, Modlin, Praga, Marienburg, and Marienwerder, are every day becoming more for the attack. The magazines are organized, and are every where receiving provisions. Three hundred thousand bottles of Bordeaux wine were found at Elbing; and though each bottle cost four francs, the Emperor paid that price to the merchants, and ordered the wine to be distributed among the army.

The emperor has sent the Prince Borghese upon a mission to Warsaw.

## SIXTY EIGHTH BULLETIN.

Ostrowsk, March 29.

On the 17th of March, at three o'clock in the morning, the General of Brigade Lefevre, Aid de Camp to Prince Jerome, passed near Glatz, in his way to Wunneburg, with three squadrons of light horse, and the Taxis regiment of light infantry, when 1800 men, with 20 pieces of cannon, made a sortie from the place. Lieutenant Colonel Gerard immediately attacked and drove them back into Glatz, after having taken 100 soldiers, several officers, and the two pieces of artillery.

Marshal Massena is gone from Willeberg to Ortelsburg, and forced an entrance there for the division of Becker's dragoons, which he has reinforced with a detachment of Polish horse. There were some Cossacks at Ortelsburg, and several attacks were made, in which the enemy lost 20 men.

General Hecker, as he was coming to resume his position at Willeberg, was attacked by 2000 Cossacks. An ambushade of infantry was formed, into which they fell, and lost 200 men.

On the 26th, at five o'clock in the morning, the garrison of Dantzic made a general sortie, which proved very fatal. It was repulsed on all sides. A Colonel named Cracaw, who had a command, was taken with 400 men, and two pieces of cannon, in an attack made by the 19th regiment of Chasseurs.

As for the rest, there is nothing new. The lakes are still frozen; though there is some appearance of the approach of spring.

## American AND Commercial Daily Advertiser.

WEDNESDAY, JUNE 3, 1807.

By the southern mail of to-day, we have received long and interesting details of the trial of Col. Burr, which shall appear in the American with all possible speed. The motion to commit for treason finally ended in Burr's giving bail for his appearance in the sum of 40,000 dollars—20,000 additional to his former bail. The following will give a more distinct idea of the case.—It is from the Enquirer.

Chief Justice after consulting with Mr. Griffin, gave it as the decision of the court, that Col. Burr should be bailed, for 20,000 dollars more; himself in the sum of 10,000, and his securities in the same sum. So that the whole amount of bail, inclusive of the first recognizance, should be 40,000 dollars.—Mr. Bur-

I will then offer three of my former securities and Mr. Martin—Mr. Martin. I hold landed property in the district of Virginia to twice the amount of the sum, for which I am to be bailed. And I am happy to give this public proof of my confidence in the integrity & innocency of Mr. Burr.

Messrs. Martin, Langhorne, Taylor, and Gamble, were the securities to this new recognizance; and were of course bound respectively in the sum of 2500 dollars each.

## Chief of the Court.

This day came the Attorney for the U. States and Aaron Burr, and by consent of the said Aaron Burr: It is considered, that he enter into a recognizance in the sum of 10,000 dollars, and give one or more securities in the like sum, with condition for his personal appearance before this court on the 10th day, next, and to answer such charges as shall be exhibited against him on behalf of the United States, and not to depart without the leave of the said court. Whereupon the said Aaron Burr entered into recognizance in the penal sum of 10,000 dollars, and Luther Martin, Wm. Langhorne, Thomas Taylor and John Gamble, Jr in the sum of 2,500 dollars each.

The court adjourned till to-morrow at ten o'clock.

Friday. The jury met at 10 o'clock—and were immediately adjourned till this day at 9 o'clock. This early hour was chosen to suit the convenience of such of the jurors, as might wish to visit their families.

It is understood, that the Attorney for the U. S. will not lay his indictments before the present Grand Jury, before the arrival of Gen. Wilkinson.

## Extract of a letter dated Richmond, May 27 1807.

"You will see, in the papers of this place, the details of the proceedings in Burr's case. A motion to commit Col. Burr, on a charge of treason was made on Monday last, and maintained by Mr. George Hay, attorney of the United States for the Virginia district, and opposed by the counsel for Col. Burr, Messrs. Wickham, Ed. Randolph and Batts.—The court heard arguments pro and con, and adjourned."

"Yesterday the court determined to hear witnesses on the allegations. The evidence is immense and voluminous, and has been proceeded upon this day."

"I give you this, as I heard it from others and not as I saw it, for much the same reason that Whiskerandos could not see the Spanish fleet—I was not within sight."

"The taverns and houses in this place, are occupied by so many people, that new comers can with difficulty procure accommodations. The concourse is really great."

"Gen. Wilkinson is not yet arrived, but is hourly expected. I learn that he was to have come by water from Orleans, in one of the public vessels. Messrs. Swartwout, Bollman, and Ogden are here; as are Gen. Eaton, Gen. Truxton, and perhaps not less than one hundred other witnesses."

"I can form no opinion of the result, but it is asserted, that the main plea of Col. Burr will be, that his plan was settlement of the Washita, in principal; but, that in the event of a war against Spain, then he was to lead his choice spirits to Mexico, by way of diversion, in favor of the United States—and not otherwise!"

"Mr. Luther Martin arrived this day, and it is supposed, means to be further his professional services for his friend Col. Burr."

"By to-morrow's mail, I will be more particular, and let you know all I see and hear."

A letter from Richmond, dated on Wednesday evening, May 27, states that an infidel had been ordered to give Eaton, Wier, or by Col. Burr, or by one of his train, is not stated, as there should be any truth in this rumor, we trust Gen. Eaton will not have gratified, by immediate retirement, the evident object of this salutation.

## For sale, or to rent.

FOR a term of years, a neat little COUNTRY SEAT, in a healthy situation, not two miles from this city; a short distance from the York turnpike road, near the country seats of James Edwards and Hugh Thompson, Esqs.

It contains about eleven acres of Land, divided into several convenient lots; two excellent meadow lots, a clover lot, and a pasture set in orchard grass; a good cultivated garden with sundry kinds of fruit, pears, &c. two young thriving orchards of excellent fruit, consisting of apples, peaches and cherries.

The improvements are, a neat two story frame house, two rooms on a floor; stable and out houses; a brick milk-house, and a pump of excellent water running through the same; also, a spring of good water convenient to the house.

The above may be had with or without a careful industrious black Man and his wife, for a term of years; or they will be hired. They are both accustomed to the place, and steady, well-disposed people. Also, a number of utensils suitable for such a place, and some stock. Inquire of the Printer.

may 28 2aw-4

## Cheap Shoe-Store.

### AMOS ALLEY,

No. 164, Market-street, six doors below the Bank of Baltimore.

INFORMS his friends and customers, that he is just opening a complete assortment of SHOES, of the first quality, which he will sell for cash only, as he intends opening no accounts. N. B. All those indebted to him on account of his former business are requested to make immediate payment.

March 10

## To Let,

A LARGE and convenient three story Brick STORE or WAREHOUSE, situated on the lower end of County wharf, Calvert street, adjoining Robert Hough's and Charles Gwinn's. Possession may be had immediately. For terms apply to Charles Gwinn, or to the subscribers, No. 6, Calvert-street.

WILLIAM SMITH, 2aw-4

## NOTICE.

THE subscriber having obtained letters of administration on the estate of George Billups, late of Baltimore county, deceased, hereby requests all persons indebted to the said George Billups to pay the amount thereof; and all persons having claims against the said George Billups are requested to bring them forward properly authenticated for settlement.

ROBERT BILLUPS, Adm'r. June 2 2aw-4