

MONDAY, JUNE 22, 1867

Runaway Negro.

SA committed to the goal of Washington county, in the state of Maryland as a runaway, on the 15th instant, a Negro man who calls himself GRONER PACKET, says he is free, and that he lately wrought on the road, near Ellicott's mills, in Baltimore county. He is black and spare made, about 40 years of age, 5 feet 3 or 4 inches high; his clothing is an old mixed coating round about, one blue cloth do. lined with green baze, a striped swansdown waistcoat, one yellow striped silk and worsted do. nanken pants, a coarse linen shirt, good gaiter shoes, with hob nails in the heels, and an old fur hat. His owner (if any) is desired to release him, or he will be sold agreeably to law.

ISAAC S. WHITE, Sheriff. May 25, [June 6]

By His Excellency ROBERT WRIGHT, Esq. Governor of the State of Maryland.

A Proclamation.

WHEREAS it hath been represented to me, on oath, that the Saw-Mill of James Carroll, Esq. erected for the purpose of cutting Malogany, near the city of Baltimore, was, on the night of Monday, the eighth instant, consumed by fire: And whereas it has been also represented that it is feared that some wicked incendiary or incendiaries: And whereas application has been made to me to issue a Proclamation offering a pardon to any person, being an accomplice, who shall discover his or her associate or associates: I have therefore thought proper, in pursuance of the powers vested in me by law, to issue this my Proclamation, the copy offering full and free pardon to any person, being an accomplice in the commission of the said crime, who shall discover the perpetrator or perpetrators thereof, so that they or any of them be brought to justice: Given under my hand and the seal of the state of Maryland, this nineteenth day of June, in the year of our Lord one thousand eight hundred and seven, and of the Independence of the United States the thirty-first.

ROBERT WRIGHT, By his Excellency's command.

NINIAN PINKNEY, Clerk of the Council.

Ordered by the Governor, That the foregoing Proclamation be published once in each week, for the space of five weeks successively, in the American and Federal Gazette, at Baltimore.

NINIAN PINKNEY, Clerk of the Council. June 19

This is to give notice,

THAT the subscriber, of Baltimore county, hath obtained from the orphans' court of Baltimore county, in Maryland, letters of administration, de bonis non, on the personal estate of WILLIAM BROWN HAWKINS, late of Baltimore county, deceased. All persons having claims against the said deceased, are hereby warned to exhibit the same, with the vouchers thereof to the subscriber, at or before the 27th day of December next, they may otherwise by law be excluded from all benefit of said estate. All persons indebted to said estate are required to make immediate payment. Given under my hand this 10th day of June, 1867.

WILLIAM HAWKINS, Executor. June 10

Merchandise for Shipping.

W. E. & Co. and owners of vessels are respectfully informed that they can have Water in the old established and well-known Watering Place, near the Glass Manufactory, with convenience and speed of filling. This water is known to equal, if not to exceed any other that is to be had in the port of Baltimore for keeping good at sea, as a number of India-men have experienced by keeping it on board from 12 to 15 months. The well is supplied by never-failing veins of water, and the pump will deliver from 50 to 60 no. heads per day, and will be always kept in complete order. The subscriber professes to take charge of all casks left in his care, that are to be rinsed or filled to sweeten; and if the master or owner wish to have a bill or is not convenient to send the money, which may not be at all times, they will be waited on with a bill when the vessel may have finished filling for the voyage, for all sums amounting to one dollar and upwards. I shall also attend to the filling of casks myself, and discharge boats with all possible dispatch. ROBERT BEAN.

It may be necessary to mention that scows or boats can fill along side without landing their casks. June 16

New-York State Lottery,

AUTHORISED by the Legislature, and payment of Prizes guaranteed by them. POSITIVELY commences drawing in the city of New-York, on the second Tuesday in June next. The capital Prizes are, 1 of 25,000 Dollars, 2 of 10,000 Dollars, 2 of 5,000 Dollars, 2 of 2,000 Dollars, 6 of 1,000 Dollars. And several of 500, 200 and 100 dollars, &c. &c. The first drawn ticket every FIFTH day will be entitled to a capital prize; and the second drawn Ticket EVERY DAY, will be entitled to 200 dollars. Less than 24 blanks to a prize.

TICKETS,

HALVES, QUARTERS & EIGHTHS, For sale at W. A. WHITE'S Truly Fortunate Lottery Office, No. 64 & No. 38, Maiden Lane, New-York. By enclosing Bank Notes of any denomination, (post paid) distant adventurers can be supplied with Tickets to any amount, or orders left at their office, corner of Market & Charles street, Baltimore, will be forwarded without risk or expense, and a correct check book will be kept there for the examination of Tickets and Shares, which their customers may have free access to. Present price of Tickets, \$7 50 but will advance as the drawing approaches. Prize-tickets in the late New-York Lotteries taken in payment. New-York, March, 1867.

RICHMOND, June 17.

TRIAL OF AARON BURR.

Circuit Court of the U. States for the 5th circuit and District of Virginia. Present JOHN MARSHALL, Chief Justice of the U. States, and CYRUS GRIFFIN, Judge of the District of Virginia.

[Continued from the Supplement which accompanies this day's American.]

Mr. McRae. It is extremely uncertain, fir, whether Mr. Bollman will or will not answer the question; which may be propounded to him by the grand jury. If he is the very honorable man, which these gentlemen have represented, he certainly will not refuse to answer. But if he does refuse, it can only be upon the ground that he is really a criminal. It is not therefore necessary for us to determine this point at the present time. It is not necessary to decide whether Dr. B. is or is not a pardoned man; we do sincerely hope, that he will appear in the character of an honorable man; and not refuse to answer the interrogatories of the grand jury. But if he should persist that course, it will be then time enough for us to bring this discussion before the court.—Mr. Hay. The proposition which I had stated, seems to me to be evasive as to require little argument. I consider Dr. B. as a pardoned man; and therefore I defined that the court should certify that fact for the introduction of the grand jury. Gentlemen however seem themselves to concede the very point for which we are contending. Why do they so much expatiate on the consequences of a pardon, if they do not consider that one has been already established? Why do they wish to force Dr. B. under the plea that he cannot be made to defame himself, unless they consider him not sufficiently secured by the possession of a pardon?—As to the effect of a pardon, it is a distinct question; on which the court may hereafter intrude the grand jury. But at present I will with the court merely to certify that he is pardoned.—Mr. Martin replied, that if the gentleman had attended to his argument he would have seen that most of his authorities had borne upon the existence of a pardon and not upon the effects of one. Chief Justice. Have any of you authorities to show that the pardon operates?—Mr. Martin. Certainly from the time of pleading.—Chief Justice.—You mistake my question. Suppose the pardon to be null, is it then valid?—Mr. Martin.—If it is proved that he had pleaded it to an indictment, I presume an exemption of it would answer every purpose.

Mr. Martin. As another reason, sir, why Dr. Bollman has refused this pardon, permit me to say, that it would be considered as an admission of guilt. Dr. B. does not admit that he has been guilty. He does not consider that a pardon is necessary, for an innocent man. Dr. B. sir, knows what he has to fear from the persecution of an angry government; but he will brave it all. The man who did so much to rescue the marquis La Fayette from his imprisonment; and who has been known as many courts, bears too great a regard for his reputation, to wish to have it founded throughout Europe, that he was compelled to abandon his honour through a fear of unjust persecution.

After some desultory conversation, Dr. Bollman was sent up to the grand jury, without any particular imputation. The question whether he is pardoned; and of course how far he may be called upon to disclose all that he knows—are reserved for future discussion and decision.

Mr. Hay requested leave to inform the grand jury that fatigue alone had prevented general Wilkinson from attending them on that day; but that he should appear before them on Monday.

Mr. Botts then observed, that there was one point in the supplemental charge, which he wished to notice. In one part of the charge, the clause of the constitution relative to treason, is quoted, which clause recognizes the necessity of two witnesses to prove an overt act.—In a subsequent part, there seems to be an implication that one witness to an overt act is sufficient.—How was this contradictory to be explained?—Chief Justice. Though the constitution declares that two witnesses are necessary to produce conviction; yet it may not be so strictly and absolutely necessary to authorize an indictment. My present impression is, that though there must be two witnesses to the general charge of treason; yet that one witness may be sufficient for one act; and another to another. Chief Justice quoted the statute of Edward VI. The law books made this discrimination between a trial and an indictment.

Mr. Hay. There is one important question worthy of our consideration. In your supplemental charge, fir, you have referred to the statute of Edward VI. But no such statute is now in force here. A general law of the Virginia Legislature in—and swept off all the British laws; and then they set to re-enacting such as were congenial with our form of government. But this statute was certainly in force at the commencement of our revolution; and the question is whether, if it was in force then, it can be considered now.—Do gentlemen contend, that we are bound by a statute, which the government has not adopted?

At the close of the court, the chief justice observed, as the Editor is informed, that he had explained the sense in which the words, which had been remarked on by Mr. McRae, had been employed; but that he had no desire that they should remain in the written opinion. That he did not perceive that they were calculated to excite any feeling; but as it was not his intention to convey the idea that a conviction right or wrong was withheld; and as that idea had been inferred and might be thereafter attached to them by those who might see the opinion without hearing the explanatory words, he had expunged them. Accordingly the words "was withheld" were expunged when the editor received the written opinion.

Some desultory conversation ensued; when the court adjourned till Monday 11 o'clock.

MONDAY, June 15. Mr. Hay directed the Deputy Marshal to request Gen. Wilkinson to come into court. In a few minutes Gen. W. entered with a firm and dignified carriage, and gracefully bowing to the bench and surrounding spectators, took his stand behind Col. B's counsel. How replete with feeling and interest, was the scene before us! It was the first occasion on which these two distinguished individuals had met, since the explosion of these interesting transactions which have so strongly agitated our country, and with which both of them have been so deeply connected. Col. Burr's countenance was marked by a haughty contempt: The countenance of Gen. Wilkinson was calm, dignified and commanding.

After Gen. Wilkinson had taken the oath at the Clerk's table; Mr. Hay enquired of the Court whether he was as ready to communicate to the Grand Jury through the marshal, that their immediate examination of Gen. W. might perhaps facilitate their enquiries.—And then

Gen. W. attended the marshal to the jury room.

Mr. Hay. The opposite counsel have objected to the tenor of the Oath, which had been administered to the witnesses. Will the Court intrude the Clerk on the subject?

Mr. Botts stated, he did not approve of the form in which the oath was administered; that this objection, however, did not come from Col. B. that there was some variation between the present and other form; but that if the attorney for the United States was satisfied with the form, Col. B's counsel would acquiesce. Mr. Hay. There are now four indictments before the Grand Jury; two of them against A. Burr for treason and for a misdemeanor; and two against Herman Blannerhaffet for the same offences; and it was this circumstance which dictated the general form of the oath.—The Chief Justice presumed that this form was not less obligatory than if all the indictments had been particularly enumerated. Mr. Hay. It is the general form, fir; to give true answer to such questions as the Grand Jury may ask.

Mr. Wickham stated, that as the indictments were now pending before the Grand Jury, it was necessary to recall to the memory of the court, a circumstance which had been early suggested, that a number of improper papers might be exhibited before the Grand Jury. The Attorney for the United States had indeed pledged himself to send up no papers, which had not previously passed the inspection of the court; but it had since occurred to Col. B's counsel that the witnesses themselves might carry up such papers. The object of this promise would be entirely defeated, if papers were thus to be carried, instead of being sent up. It would be changing too the very functions of a witness; while he himself it was to give testimony, and not to carry papers. Finding that nothing could be done without an application to the court, Mr. W. submitted to them, whether they ought not to instruct the Grand Jury to receive no papers, but through the medium of the court.

Mr. Hay hoped that the court would not act upon a mere supposition that witnesses will carry up improper papers; it was extremely probable, that Gen. W. in delivering his evidence before the Grand Jury, may have occasion to refer to certain letters that he has received, and to certain documents, which would add to the history of these transactions.—He would not produce these as distinct and substantial evidence; but as so many private memoranda, which (such was the nature of the human mind) he ought and must refer to, to make his narrative the more connected and distinct. Mr. H. hoped, that after the splendid example of patience which the Grand Jury had displayed, they would not be interrupted in the examination which was now commenced; but that he had no objections to the court's sending up by word or writing, such intrusions to them on this subject, as the court might think proper.

Mr. Botts confessed, that this objection surprised him—on a former day he had understood that no papers were to go before the Grand Jury but those which had been inspected by the court.

Mr. Hay requested leave to explain. He had promised before the arrival of Gen. Wilkinson to send up no papers without the inspection of the court; that he had at that time several authentic papers, several affidavits; and that he had an impression (though not a very decided one) that they ought not to be submitted to the Grand Jury. At that time gentlemen seemed to think that certain papers and cyphered letters were to be sent up without any previous motion; he would still pledge himself to avoid this course. But it might happen that General Wilkinson had various papers to connect the narrative of his conduct. It is probable, as he has those very papers in his pockets, and would refer to them. If Gen. W. has brought these with him from New-Orleans, and produces them before the Grand Jury, Mr. H. hoped that gentlemen would not, therefore, accuse him of a breach of faith.

Mr. Botts believed, that the Attorney for the United States was incapable of any thing like a breach of promise; but while he was willing to admit his intelligence and honor; he would say without seeming to cast a reproach upon a character whose head and heart were inferior to none, that gentlemen felt a strong wish which ought to be vigilantly watched. He was still surprised at the gentleman's proceedings; because the very principle which he supports as to the papers themselves, would go to prevent the introduction of witnesses before the Grand Jury. Papers he admits are not proper to go before the Jury; and therefore, if witnesses are to carry them, they themselves ought not to go.—If Mr. A. say they called before the Jury, he would produce no papers, but what had passed through the court. But Mr. Hay is not the only professor of this business. There is another zealous professor may produce his papers before the Jury. If he merely produces papers, for the purpose of refreshing his memory, any intrusion which may go from the court, will be perfectly innocent in its effects. But it is possible that such an intrusion may be necessary to repress the introduction of very improper papers; which he might hope to convey to the multitude abroad, through the channel of the G. Jury. There was a particular reason to recommend this vigilance. It was understood that a species of plunder of papers had been permitted. Should such papers which came in this manner be laid before the Grand Jury, without previously passing through the ordeal of the court? Mr. Botts here cited as an authority from the 8th Vol. of American Museum, Judge Gripp's charge to the Grand Jury.

C. J. No affidavits ought to be sent up; and no papers containing distinct, substantive testimony against the accused.—Mr. Hay. I am willing to adhere substantially and literally to my promise. I know now what papers Gen. Wilkinson may choose to employ. I was with him yesterday, and saw a whole Volume of papers; but it was impossible for me to know which of them he intended to produce. If gentlemen wish to know the object of my visit, I will tell them. Mr. Martin. It is unnecessary.—Mr. Hay. I have said in this court, that it was not my business to defend Gen. Wilkinson, but the refusal of my conversation yesterday is, that it is my duty to defend him; and my impression is, that I shall defend an honest man and a patriot. All the suspicions which I had imbibed from the mysterious circumstances of the times, have completely vanished, and I am now fully impressed with the conviction of his unflinching integrity. I shall advance up to his defence with the most perfect sincerity.—Mr. Martin. I have no doubt that the gentleman has taken a very good way to remove his unfavorable impressions; if that can be called a good one, which consists in hearing but one side of a cause. If he would but hear Col. Burr's story in the same way, perhaps his impressions against him might all be removed. Mr. Hay. I have heard his story from his counsel; but they have more strongly confirmed my opinions.

Mr. Wirt said that he had looked over the authority quoted by Mr. Botts, and was satisfied that the papers referred to by Judge Gripp, were only affidavits. (Mr. W. made quotations

to prove this position,) that it was in some cases necessary to refer to written papers, as the very best testimony; for example, I suppose that Gen. W. should state that on such a day he received a letter from A. Burr by the hands of Bollman or Swartwout, might he not say to the jury "Here is the letter. I am ready to read it." Would it not be competent for a Grand or even a Petit Jury to hear it? Such letters are the very best evidence of their own contents; and before a Petit, and of course before a Grand Jury they are much more proper to be produced than any statement of their own contents. Again; suppose Gen. W. was to mention the cyphered letter; would it not be competent for the jury or for the gentlemen on the other side to say "Produce it; we shall receive its contents." This remark evidently shews that if the objection now suggested to papers, extends to all it is perfectly fallacious; and that sometimes they are not only evidence, but the very best evidence in themselves.

Mr. Wickham expatiated at some length upon this point. He reminded the court of the case which happened before the highest tribunal in this country, the Senate of the U. S. where a witness (Mr. Hay,) was forbid the use of his papers, even to refresh his memory.

Mr. Hay replied that he knew not and cared not what they decided; but if they had decided at all, he would affirm that the very persons who did so, knew that they were deciding contrary to law.

Mr. Botts said, that the Senate had so decided; and it was compiled of the ablest lawyers from all parts of the union.—Mr. Hay contended the fact of decision.

Mr. Martin contended, that the court was to judge what evidence was to go before the Grand Jury. He cited Dauby's case where a witness gave a deposition under the statute of W. and Mary; the prevaricated before the G. Jury and they sent for his deposition. The court decided they should not have it; because not proper for them.

The Chief Justice here delivered the opinion of the court; which he reduced to writing for the purpose of laying it before the Grand Jury. It went to instruct the Grand Jury not to inspect any papers, but what were necessary to connect the narrative of the witnesses.

Mr. Hay objected to this form of instruction. Suppose the papers were from another hand, for instance Dr. Bollman, real y connected with A. B. These papers might have had a material influence upon G. W's conduct; was it not necessary to the integrity of his testimony, that these too should be exhibited?—Chief Justice. These papers do not bear upon the accused person; but only upon the witness.—Mr. Hay. But they bear upon A. B. in that very way. The western papers have represented Gen. W. as connected with A. B. and the language of the cyphered letter seems to corroborate the conjecture. It may be necessary to exhibit these papers to support the credit of the witness.—C. J. I may then be added that such papers, if late intended to the credit of G. W. and are not intended to implicate the accused.—Mr. Wickham. It is not Burr who is on his trial and not Gen. Wilkinson. It is true that these papers do not criminate Col. B. but they bear upon him by vindicating G. W. and it is a sound rule of law, that what cannot be done directly, may not be done indirectly.—Mr. Wirt. It is the privilege of the G. J. to judge of the credibility of a witness. If they doubt his veracity, they have a right to be satisfied upon the point. They may call upon him to say "why is this and why was that" and he may explain by the production of his papers. If this were not the case, the G. J. would not know whether to believe him.

Mr. Hay suggested an alteration in the form of instruction; that any paper might be exhibited, which came from the person accused; or by any other person, proved to be the accomplice of the accused, that formed a part or was explanatory of the narrative.—The Chief Justice wished to send a more specific instruction to the G. Jury to prevent the delay which would arise from the coming into court, when they had a particular paper before them, on which they would demand the instruction of the court. Mr. Hay contended for the alteration which he had suggested; he quoted an English case to shew, that when a man was first proved to be connected with others, what was then in proof against the others, was also good against him. He quoted the case of the C. responding Lord in Society to the same effect.

Here a long, and desultory argument was continued upon the form of instruction. The argument principally turned upon two points; 1st. how far the papers of these persons, that were said to be connected with Mr. B. could be introduced to fill up the narrative of the witness; and 2d whether it was proper formally to declare in the written instruction to the Jury, whether papers were only to be introduced to support the credit of the witness.—The form was at length composed by the C. J. and transmitted to the G. J. by the marshal. Its contents were not read to the court, and as it is now in the possession of the G. J. it is impossible for us to present a correct transcript of its contents.

Mr. Hay at length addressed the court. The Grand Jury have sent for Dr. Bollman; and they will want him to decipher, if he can, the cyphered letter which I hold in my hand. (This was the letter, partly in German and partly in cypher, and addressed to some person in New Orleans, which we have already mentioned.) Mr. Willie, (the reputed secretary of Mr. Burr) will prove the identity of the paper; and Dr. Bollman will interpret.—Call Mr. Willie into court.

After a considerable time, Mr. Willie appeared in court, when Mr. Hay proceeded.—This is the paper, sir, which I shall disannex from the affidavit accompanying it, and will it to be transmitted to the G. Jury.—It is addressed, I understand, to Dr. Bollman under a fictitious name; and it is all in the hand writing of Mr. Willie. (It is proper to remark, that in these observations Mr. H. alluded to the annexed paper, which was an affidavit of Willie's and was said to relate to these circumstances.)

Mr. Botts objected to its being sent up to the G. J. He understood that no paper was to be laid before them, which was not material to the case, whether it could or could not be authenticated. Let the gentlemen then, explain the contents and materiality of that paper.—Mr. Hay. A hard proposition indeed! when it is partly written in cypher and partly in German.—I deem it material, however, because I understand that it was either dictated by the accused, or first written and afterwards copied by his secretary; and that it is addressed to Henry Wilbourn, alias Erick Bollman. Mr. Wirt. I understand, that any paper may be sent up under the instruction which has just been transmitted to the Jury.—Mr. Burr. The paper is now before the court; and it is not to be sent up to the G. Jury but under the judgment of the court; of course the judgment of the court should be satisfied with the materiality of this paper. Mr. Hay. The accused is mistaken in point of fact. The paper is now in my possession, Mr. Wickham. Why was it offered to the court, if it was not to be put into their possession? But if it was not in their possession

if it is merely brought into court, that it may be sent to the Grand Jury, any paper may be conveyed to them through the same process. Mr. Hay asserts that it is addressed to Erick Bollman.—But is not the post office mark on it? Was it not obtained by an act of felony?

Mr. Hay. There is no P. O. office mark on it. Mr. H. then expatiated at considerable length on the point: He denied that the paper was in the possession of the court, and asserted his right to send up any paper to the Jury, under the direction which they had already received. Mr. Wickham. I wish to know whether he offers it to the court? Mr. Hay. No.—Mr. W. How then can any notice be taken of it? How can it be sent up? By the marshal? He is the officer of the court. By Mr. Willie? He is only a witness. If the paper goes up at all, it is under the sanction of the court. If a living witness goes up, it is because he is presumed to be a relevant witness. But if it be a paper, how can its relevancy be established, until its contents and materiality are known?—Mr. Wirt. Hay no; the difficulty is removed by the court's enclosing it in another paper, with an endorsement that it is sent up under the last instructions; by those instructions they will judge; and unless it is shown to come from Aaron Burr or under his authority, they will of course reject it.

Some ingenious spurrings between Messrs. Wickham and Wirt, amused the audience for a moment, when Mr. Botts objected to the transmission of the paper. It was either material or it was not. If it was immaterial, why embarrass the Grand Jury with it? But if it contained pertinent matter, it was certainly wicked matter: In which Mr. Willie will be himself concerned. If he be sent to the G. J. with this paper, what would he say about it? Would the court wish him to say anything which might criminate himself? He has a right, said Mr. B. to see this paper. Perhaps we shall find that it has been filed from the post office, contrary to the 6th amendment of the constitution, which protects every man's papers from unreasonable searches and seizures. If it has been obtained by such illegal and violent means, the court would perhaps arrest it; and even the G. J. would not dirty their fingers with it.

Some desultory conversation ensued, when Mr. Willie was called to the court.—Mr. Williams (his counsel) hoped that no question would be put, the answer to which might tend to criminate himself.—Mr. Hay. Wait till the question is put.—Mr. McRae. Did you copy this paper?—Mr. Williams (after consulting with his client) he says that if any paper he has written has any effect upon any other person, it will as much affect himself.—Mr. Wirt. He has sworn in his deposition, that he did not understand the cyphers of this letter. How then can his merely copying of this letter implicate himself in a crime, when he should not only copy it, but be privy to its contents?—Mr. McRae. We will change our question. Do you understand the contents of that paper.

Mr. Williams. He objects to answering. He says that though that question may be an innocent one; yet the counsel for the prosecution might gradually go from one to another, until he at last obtained matter enough to criminate him.—Mr. McRae. My question is not, do you understand this letter? And then, what are its contents? If I pursued this course, I might then propound a question, to which he might object. But unless I take that course, how can he be criminated?—Mr. Botts. If a man knows of treasonable matter and does not disclose it, he is guilty of a misprision of treason. Two circumstances therefore constitute this crime; a knowledge of the treason and a concealment of it. The knowledge again comprehends two acts; that he must have seen and understood the treasonable matter. To one of these points, Mr. W. is called upon to dispose. If this be established, who knows but the other elements of the crime may be gradually unfolded?—Mr. McRae. I did not first ask if he copied, and then understood it. But first if he understood it. Had he answered this question in the affirmative, I certainly should not have pressed the other question upon him, because that might have amounted to a self crimination.—Mr. Hay. I will simply ask him whether he knows this letter to be written by A. B. or by some one under his authority.—Mr. Williams. He refuses to answer: It might tend to criminate him.

The court were of opinion that Mr. Wirtley should answer upon oath whether or not he thought that answering the proposed question might have a tendency to criminate himself.

Mr. Wirtley replied it might criminate him in the event of a certain case. Here a long and desultory argument ensued, which was terminated by a promise from Col. B's counsel, to produce their authorities before the court to-morrow, to show that Willie could not be compelled to answer such questions as might in his own opinion tend to criminate himself.

TUESDAY, June 16. As soon as the court met, Mr. Hay produced and read the following letter from the President of the U. S.

WASHINGTON, June 12, '67.

Sir, Your letter of the 9th is this moment received. Reserving the necessary right of the president of the U. S. to decide, in dependent of all other authority, what papers, coming to him as President, the public interests permit to be communicated, and to whom, I assume you of my readiness, under that restriction, voluntarily to furnish on all occasions, whatever the purposes of justice may require. But the letter of Gen. Wilkinson of Oct. 21, requesting for the defence of Col. Burr, with every other paper relating to the charges against him, which were in my possession when the attorney general sent on to Richmond in March, I then delivered to him; and I have always taken for granted he left the whole with you. If he did and the bundle retains the order in which I arranged it, you will readily find the letter desired under the date of its receipt, which was November 25; but lest the attorney general should not have left those papers with you I this day write to him to forward this one by post. An uncertainty whether he is at Philadelphia, Wilmington or Newcastle, may produce delay in his receiving my letter, of which it is proper you should be apprised. But as I do not recollect the whole contents of that letter, I must beg leave to devolve on you the exercise of that discretion, which it would be my right and duty to exercise, by withholding the communication of any parts of the letters, which are not directly material for the purposes of justice.

With this application, which is specific, a prompt compliance is practicable; but when the request goes to copies of the orders issued in relation to Col. Burr, to the officers at Orleans, Natchez, and by the secretaries of the War and Navy departments, it seems to cover a correspondence of many months, with such a variety of officers civil and military all over the U. S. as would amount to the laying open the whole executive books. I have desired the secretary at War to examine his official communications, and on a view of them may be able to judge what can and ought to be done towards a compliance with the request