

TRIAL OF AARON BURR.

Monday, August 31.

This day the court met a few minutes after 11, and the chief justice was occupied until half after 2, in delivering the opinion of the court, on the motion before it. The opinion was of course extremely elaborate and voluminous. We shall present a complete copy of it as soon as possible to the public, and in the mean-time they must be satisfied with the following statement of its principal and very interesting conclusions. The following explanation will make these points more intelligible to our readers.

The counsel for Mr. Burr stopped the interrogation of Maurice P. Belnap, who was examined on the 20th ult. and moved the court to exclude further evidence upon this ground, that the accused was proved not to have been present at the time of the overt act laid in the indictment.

In support of this motion they urged the following reasons:

1. That Burr not being present was merely an accessory, and not a principal, and therefore not punishable under the constitution and laws of the U. S.
2. That if he was a principal, he was a principal only in the second degree, where guilt is merely derivative, and that therefore no parole evidence could be admitted against him, until a record was produced of the conviction of the offender in the first degree.
3. That the fact must be proved as laid in the indictment, and evidence proving the accused to have been absent at the time of the overt acts is inadmissible to support an indictment charging him with the commission of that act.
4. That no parole evidence could be given to connect the prisoner with the men assembled on Blennerhassett's Island, until an act of treason in these men was proved; and that the assemblage there was not an act of treason.

We understand that in the first point, the opinion of the court was, that a man might commit treason in levying war against the U. S. without being present at the time of the overt act alleged in the indictment. Being leagued in the general conspiracy and performing a part in it was deemed sufficient.

The court admitted the second and third propositions to be correct.

On the fourth point, the court gave a very long and very elaborate opinion as to an overt act of levying war. The opinion delivered by the supreme court in the case of Blinman and Swartwout, was declared to be not correctly understood, and that there must be, before an overt act of treason is completed, either the actual employment of force, or a military assemblage of men, who are in a posture of war.

As soon as the chief justice had concluded, Mr. Hay rose to observe, that the opinion just expressed by the court, furnished matter for the very serious consideration of the prosecution. As he had not very distinctly heard every part of the opinion, he hoped the court would allow him an hour or two for its more complete consideration. He requested also the use of the opinion, for his more particular inspection. Some desultory conversation ensued on the propriety and propriety of printing it for the use of the court. This arrangement was however waved, and Mr. Hay requested the chief justice to permit the use of the paper itself. The latter expressed some doubts about Mr. Hay's ability to decipher the handwriting fully conceded to the request.

Mr. Hay moved an adjournment of the court until Monday, 12 o'clock, which Mr. Lee objected to, on account of the number of witnesses who were detained on the trial; and Mr. Randolph, on account of the inconveniences to which it would subject some of the jurymen. The chief justice then proposed to adjourn the court till 6 o'clock this evening; by which time, perhaps, the counsel for the prosecution might determine on the course which they would pursue. Mr. Wirt observed, that it would take at least till 6 o'clock to decipher the opinion. Chief justice. We will adjourn the court till 6 o'clock; and if the prosecution are not ready, we may adjourn to a more distant time.

Mr. Burr. I would ask, if necessary, that the jury should in the mean-time go more at large. This proposition was finally rejected.

The court adjourned at six, without doing any thing.

Tuesday 11 o'clock.

The court met at ten, when Mr. Hay addressed them—"I have looked into the opinion, and have neither argument nor evidence to offer to the jury."

Chief justice. The jury may then retire. Marshal conduct them out. The jury accordingly retired.

After an absence of 25 minutes, colonel Carrington, their foreman, reported the following verdict, endorsed upon the indictment.

"We of the Jury, find that Aaron Burr is NOT proved to be GUILTY under this indictment by any evidence submitted to us. We therefore find him NOT GUILTY."

Mr. Burr and his counsel objected to entering this form of the verdict on the record.

The court at length decided, that the verdict should remain on the indictment, and that the general verdict of not guilty, should be entered on the record.

Jonathan Dayton appeared. An affidavit was exhibited to prove that he was not at Blennerhassett's island at the time charged in the indictment; and he

was accordingly discharged from it. He was then admitted to bail on the indictment for the misdemeanor in the sum of 10,000 dollars. A Mr. Williamson of New-Jersey and Luther Martin are his securities.

Mr. Hay informed the court that the counsel for the United States had not determined on the course which they should pursue; whether they should proceed to the trial of Aaron Burr on the indictment for a misdemeanor, or whether they should move the court to commit him for his trial in Kentucky, where an overt act is said to have been committed at the mouth of Cumberland river.

The following important articles were published in an extra sheet, issued from the office of the *Boston Palladium*, and received by yesterday's mail.

Palladium Office, Sep. 1.
11 o'clock, A. M.

The ship Sally, captain Lewis, has arrived from Liverpool. London dates to July 17.

London July 17.

An armistice was signed at Tilsit, June 22. Kotlingsberg, Casel and Colberg, are said to have surrendered before the armistice. The emperors of France and Russia and king of Prussia had had several interviews, and dined together.

Rotterdam, July 11,—night.
Continental Peace.

We have just time to inform you, that an express from the French head-quarters brought the intelligence, that on the 29th of June the preliminaries of peace were signed between France, Russia and Prussia. The particulars are not yet known.

As soon as the preliminaries were signed the intelligence was announced to the army and celebrated by discharges of cannon and by illuminations.

It is said Poland is to remain as before the present war—Prussian territory to be restored, except Silesia and Westphalia. All the places to the westward of the Elbe to be under the control of the French.

The British were apprehensive that the Danes would be induced to exclude them from the passage of the Sound, and were fitting out a large fleet to use force if necessary.

Revolution in Turkey.

The particulars of the revolution in Constantinople are published; the Sultan died by poison; the grand Vizier was strangled; Mustapha, son of Achmet, ascended the throne. [*Com. Daily Adv.*]

Extract of a letter from Cape Francois, dated 29th July, received per the admiral Berkeley.

"I arrived in good health in the midst of the rejoicings on account of the defeat of Petion's army, which was completely beaten at Gonaives: some of the ruins of it, joined to a few fresh troops, were daring enough to land at Port de Paix; the president, Christophe, surrounded them, and more than 350 of them perished there; about 70 of them were brought here prisoners, and a few are dispersed in the woods about Jean Rabel, where they are hunted up like hares. A few days since Petion very narrowly escaped being arrested. The troops of the president, H. Christophe, are in possession of every post as far as the Cul de Sac, 3 leagues from Port-au-Prince, where the army is encamped; there is every prospect that Petion will be obliged to leave the Island in less than a month.

August 14.

"Leogane, Petit and Grand Goave are in insurrection against Petion, and are marching against Port-au-Prince, on one side, while the troops from the north are in the Cul de Sac on the other side. The mountains of Jeremie are also in insurrection in favour of the president Christophe. You may rely on these as facts." [*Fed. Gaz.*]

Extract of a letter from a gentleman in Richmond to a respectable friend in Baltimore, dated August 31, 1807.

"I hasten to inform you, that the chief justice has this moment (past two o'clock) delivered his opinion in the case of A. Burr, for high treason, and has given it in his favour; in consequence of which the jury will retire. There is little doubt but he will be acquitted. He will, however, be held to trial for misdemeanor.

"It is supposed that Blennerhassett will stand a poor chance for his life."

Extract of a letter from (good authority) Washington city to a respectable gentleman in Baltimore, dated September 2—half past 8, P. M.

"News (from an undoubted source) is just received from Richmond, that after Mr. Martin's speech of thirteen hours, the chief judge pronounced the opinion of the court in an unusually able manner, and that Burr was acquitted of treason."

Another letter from Washington, says, that "at 3 o'clock on the 31st ult. Burr was cleared of treason."

Extract of a letter from Geneva, to a gentleman in Albany, dated Aug. 23.

We have just received intelligence, that the Indians have been committing depredations in the neighbourhood of Detroit, and massacred several of the inhabitants; and that the people in the vicinity were flying to the fort for protection.

This intelligence came in a letter from Judge Porter, who resides on the Niagara River, to his brother

col. Porter in Ganandaigua. If this be the case I am apprehensive it is our company will have to march looner than they expected.

FRENCH PRISONERS.

Yesterday judge Houston, the district judge of the United States for the district of Maryland, presided in the examination of the affair of the *Othello*, and took the deposition of Mr. Harden, a passenger on-board the ship—after which, the judge decided that the crime for which the French prisoners then in custody of the marshal, were committed, was committed within the jurisdiction of the state of Maryland; and that the United States court had no cognizance of it.

The prisoners were then committed to the custody of the Sheriff of Baltimore county, by Mr. Cook, the register of the city, who attended agreeably to the request of the judge, the mayor not being able to attend on account of indisposition.

It is understood that Calvert county is the nearest land to the place in the Chesapeake where the crime was committed, therefore the court of that county alone has jurisdiction; and that the prisoners will be tried there. [*Fed. Gaz. Sept. 2.*]

From the National Intelligencer.

It is a fact, but little known in the middle and eastern States, that a very large portion of the upland of the southern and western country is happily adapted to the culture of RICE. As this plant is the most productive that grows in furnishing food to man, it is highly important that its cultivation should be extended, and particularly that species of it that flourishes in a dry soil. It is quite distinct from that which is raised in the low grounds of Georgia and South Carolina; and the circumstances attending its introduction into the U. S. are eminently entitled to notice and preservation, as they cannot fail to hold out inducements to the trial of other exotics, whose naturalization might contribute to our comfortable subsistence. These circumstances are the following:—

which may be fully depended upon, as they are derived from the very gentlemen who share the merit of introducing this valuable plant into the U. S.

A short time after the revolutionary war, Mr. Jefferson was informed by Mr. Nathaniel Cutting, who in the city of Washington, that he was about going to the coast of Africa, who tendered his services in the execution of any commission trusted to him. Mr. Jefferson observed that he had understood there grew there a species of Rice plant, that flourished very well on high and dry ground, intimated its great advantage that might flow from its naturalization in the United States, and requested Mr. Cutting, if possible, to obtain some of the seed. Mr. Cutting, fully sensible of the importance of the object, did not overlook this request, but sent to Mr. Jefferson, then at Philadelphia, a few bushels of the seed. Mr. Jefferson immediately sent a part of the seed to the agricultural society at Charleston, and distributed the residue among a number of intelligent farmers in the different sections of the southern country. The success which ensued is only surpassed by that which crowned the raising the cotton plant. It is found to succeed admirably on the high grounds of Carolinas, Georgia, Virginia, Kentucky, and Tennessee, where the soil was strong and rich, which property is represented as indispensable. It has accordingly spread extensively through these States, and may, it is presumed, be raised as high as the 40th degree of north latitude. The product is frequently 40 bushels an acre, and has been known, it is said, to reach 80. In short, where the land is favourable, it would seem to yield a larger profit to the planter than any other article that can be raised by him, and all the products of this country to be only inferior to the profit it yields to the sugar cane.

We hope this statement will have two good effects, one, to stimulate the planters of Maryland to try how far their best grounds are fitted for the cultivation of this valuable plant; the other, by showing how much an individual may benefit his country by availing himself of opportunities in his power to encourage our citizens generally, when peculiar circumstances offer the means, to attempt the naturalization of other foreign plants.

We cannot close this article without the notice of one important effect that may flow from the introduction of this species of rice plant into this country. None but blacks are able, it is said, to cultivate the land rice; and this circumstance has been urged as a reason for slavery. This will be altogether reasonable in case a sufficient quantity of rice can be raised profitably from dry than overflowed ground, and the latter be more advantageously devoted to meadows, which under a proper management must afford a higher profit than any other purpose to which it can be devoted.

Anne-Arundel county, SC.

I HEREBY certify, that Richard Boston of Anne-Arundel county, brought before me, as a trespassing person, a HORSE, twelve or fifteen years old, with fifteen hands or upwards high, a star on his forehead, two white rings around each eye, several large saddle spots, and not shod, trotting canters and has been worked in geers. Given under my hand, one of the justices of the peace in and for said county, this 1st day of September, 1807.

R. G. STOCKETT.

The owner of the above property is requested to come, prove the property, pay the charges, and take him away.

September 1, 1807.

RICHARD BOSTON

10/27/6