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WEDNESDAY, FEBRUARY 25, 1807.

WASHINGTON CITY, Feb 23.

In our last paper we published a statement of the proceedings of the Senate on the bill relative to a repeal of the duty on salt, &c. received from a member of that body. We are since informed that this statement, so far as it respects general Smith of Maryland, is incorrect; and that that gentleman did not speak against the repeal; but that he spoke against the continuance of the *Mediterranean fund* longer than the 31st of December next, and in favor of modifying the repeal of the duty on salt—so that the eight cents per bushel imposed in '97 should cease on the 30th June, and the remaining 12 cents on the 31st December next, and that he voted again to kill great the two sections, that repealed the duties on *imported salt*.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, FEB. 20.

Mr. *Rodney* informed the court that he had not been able to find any cases that bore with precision on the point yesterday submitted by the court.

Mr. *Martin* observed that he had handed to the chief justice some few authorities, which he might be examined by the attorney general.

After examination Mr. Rodney said that he found Mr. Martin had not been more fortunate than himself, that the cases did not point directly, and required no further observations from him.

After some remarks on the inadmissibility of General Wilkinson's affidavit by Messrs. F. Key, Harper, Rodney and Martin;—and some incidental remarks from the court; the chief justice said the court would take time to consider the case, and hoped by to-morrow to be able to give an opinion.

Mr. *Martin*, in consequence of the proposition made yesterday by the court, requested them to state the bail that would be required for the recognizance of the prisoners.

The court required bail to be given by each of the prisoners, himself in a sum of 3,000 dollars, with sureties to the like amount.

Messrs. Martin and Van Ness were received as bail for Mr. Swartwout—and Messrs. Martin and Harper for Mr. Bollman.

Saturday February 21.

Chief justice *Marshall* delivered the opinion of the court in the case of Messrs Bollman and Swartwout.

The opinion was very long, and went, to a considerable extent, into a definition of the crime of treason.

On several points involved in the case, the court, consisting of four judges [judge Livingston having gone home in consequence of the illness of his daughter] were equally divided.

The opinion concluded with the order of the court to *discharge the prisoners*.

As we propose giving this important opinion, at length, in our next paper, we have avoided any statement of its contents.

A letter has been received from *general Adair*, addressed to the Kentucky delegation stating the circumstances of his arrest at New Orleans, the harsh treatment which he says he has experienced, and declaring himself innocent of all participation in any scheme hostile to the United States. In this letter (which we had expected to have given in this paper) general Adair represents, that while in Kentucky he received, some time in November, a letter from general Wilkinson, dated September 29th, inviting him to come to New Orleans, and join him in an attack on and conquest of the Spanish possessions; and that he immediately answered it, declining all participation in the plan proposed to him. He adds, that his purpose in going to New Orleans was entirely to make a purchase of lands.

Extract of a letter, dated Washington, Mississippi Territory, Jan. 19, to a gentleman in this city.

"Mr. Burr arrived at Judge Bruin's, above Natchez, ten or twelve days ago. He wrote to Mr. Meade the acting governor, stating that his objects were laudable, that they were not unfriendly to the United States, and cautioning him against arming citizens against citizens, and thus producing a civil war. Mr. Meade called out the militia. A warrant was issued against Mr. Burr, and a party of militia were sent to take him. Several persons who had come to Natchez were apprehended by the military, and dismissed by the acting governor on their parole till to-day. Judge Rodney, to whom they have come, has been examining them, but they appear to know but little of the real designs of Mr. Burr. Mr. Burr himself avoided being taken, by crossing the river. The Secretary sent his aids to him, a written capitulation was entered into, and last night Mr. Burr came to this place, the seat of government, and is to be examined in a day or two. He states that his object was to be ready on the call of government to make an attack on the Spanish possessions had war been declared. He has nothing with him that can be called a force. He appears indignant at the proceedings which have been instituted against him, and speaks with much bitterness, as I am told, of general Wilkinson. The general does not seem to be popular here, and I think upon the whole, that there appears to be a greater solicitude to criminate him than any one else.

"P. S. Mr. B. alledges that the correspondence which it is said that he has carried on with general Wilkinson, containing plans for invading the Spanish provinces, &c. emanated, as he can prove, from the Marquis Yrujo, who fabricated these letters to injure him."

FOREIGN NEWS.

STATE PAPERS.

Concerning the last negociation between France and England.

No. I.

Downing-street, 20th February, 1806.

MR. MINISTER,

I think it my duty, as an honest man, to inform you as soon as possible, of a strange circumstance, come to my knowledge. The shortest manner will be to relate to you the fact as it happened.

Some days since a certain person wrote to inform me that he had just landed at Gravesend without a passport, and requested me to send him one, because he had just come from Paris and had things to inform me of, which would *give me great pleasure*.

I conversed with him alone in my closet, where, after a little unimportant talk, this scoundrel had the audacity to tell me, that, in order to tranquilize every crown, the Chief of the French must be put to death, and that, for this purpose, a hoite had been taken at Paris, where this detestable scheme might undoubtedly and without risk be carried into execution. I did not clearly comprehend whether it was to be by means of common muskets, or by fire arms of a new construction. I am not ashamed to confess to you, Mr. Minister, who know me, that my confusion was extreme, to find myself conversing with a declared assassin. In consequence of this confusion, I ordered him to quit me immediately, giving at the same time instructions to the officer of Police who had charge of him, to send him out of the kingdom as soon as possible. After having reflected more maturely on what I have just declared to you, I bethought myself of the error I had committed in allowing him to depart before you were informed of it, and I ordered him to be put in confinement.

Apparently all this is nothing, and this miserable fellow has no other end in view than to brag, by promising things which, according to his manner of thinking, would *give me great pleasure*.

At all events, I have thought it necessary to inform you of what has passed, before I send him off. Our laws do not permit us to detain him a long time, but he shall not depart until you have had the necessary time to secure yourself against his attempts, on the supposition that he has still evil designs; and when he sets out, I shall take care that he lands only in a part the most distant from France. He called himself here Guillaud la Grevrifiere, but I think it is a false name. He had not a scrap of paper to show me, and on his first appearance, I did him the honor to believe him a spy.

I have the honor to be with the most perfect attachment,

Mr. Minister,

Your obedient Servant,

(Signed) C. J. FOX.

No. II.

5th March, 1806.

SIR,

I have laid your Excellency's letter before his Majesty. His first words were, after reading it: "I there recognize the principles of honor and virtue which have always actuated Mr. Fox." He added: "Thank him from me, and tell him that whether the policy of his Sovereign makes us remain still longer at war, or whether a dispute so useless for humanity is to be concluded whenever the two nations desire it, I rejoice at the new character which, by this step, the war has already taken, and which is the presage of what may be expected from a cabinet whose principles I have a pleasure in appreciating after those of Mr. Fox, one of those men the best calculated to feel in every respect what is noble and truly great."

I shall not take the liberty, Sir, to add any thing to the expression of H. I. and R. M. I only entreat you to accept the assurance of my highest consideration.

(Signed) C. M. TALLEYRAND,
Prince of Benevento.

[To be Continued.]

STATE PAPER.

Counter declaration of the court of Denmark, in reply to the memorial delivered by the British minister.

"The law of nations is unalterable. Its principles do not depend on circumstances. An enemy engaged in war can exercise vengeance upon those who do not expect it; but in this case, and without violating the rigid law, a fatal reciprocity may take place; but a neutral power, which lives in peace, cannot admit of, nor acknowledge such a compensation: it can only screen itself by its impartiality and by its treaties. It is not pardonable for her to renounce her rights in favor of any belligerent power. The basis of her rights is the universal and public law, before which all authority must vanish: it is neither a party nor a judge; nor do the treaties give room to privileges and favors. All these stipulations constitute the perfect law: they are mutual obligations. That would be a very unnatural agreement which any of the contracting parties might at pleasure suppress, interpret or restrain. In this manner all treaties would in general become impracticable, because they would be useless—What becomes of equity, fidelity, and surety? and how much more unjust must become oppression, when it sets aside the infringement of sacred duties, the advantages of which have been enjoyed, but only acknowledged as long as they suited self interest.

"Denmark will surely never attempt to justify the present government in France, its nature and origin; but she will neither give her judgement, and her neutrality will not permit her to express her mind on this subject. We only confine ourselves to the lamenting the disasters which befel that country, and, on its account, all Europe; and the wishing to see them brought to a speedy termination. But this is not the moment to own or acknowledge a form of government, which we have always refused to acknowledge. The nation is there, and the authority which it acknowledges, is that to which application is made in cases concerning individuals—The commercial connexions subsist likewise in the same manner as they did between England and France, as long as the latter chose to preserve peace. The nation has not ceased to acknowledge her treaties with us at least she conforms herself agreeable to those treaties. As she appeals to them, so do we appeal to them—and frequently with good success, both for ourselves, and in favor of those subjects of the belligerent powers who commit their effects to the protection of our flag. In cases of refusal and delay, we have frequently been obliged to hear often and reluctantly, that they only aled to take reprisals, since the nations with whom they were at war, shewed as little regard for their treaties with us: and thus the neutral flag becomes the victim of errors, with which it cannot reproach itself. The path of justice still continues open in France. The consuls, and the mandatories of private individuals, are heard. No one is prevented from applying to the tribunals of commerce. This is sufficient in ordinary cases. No fresh negociations are required for the maintenance of existing treaties. Ministers become quite superfluous in this respect; there are judges, and this is sufficient.

"These considerations are already violated by the observation, that our grievances are frequently heard in France, and that there is no possibility of getting them redressed.—The municipalities to whom application must be made, are certain, not alike equitable—sentences of the tribunals of commerce, are not founded upon uniform principles—the extreme means of refuge to a medium of power is totally removed—and these circumstances occasion at times grievous acts of injustice. In this respect, none are greater sufferers than the neutral powers who cry aloud against those unjust proceedings, and yet seem to justify them by their own imitation.

"A negociation between a neutral and a belligerent power, which would have for its object that the latter should not make use of neutrality to the detriment of the former cannot be thought of. A neutral power has fulfilled all its duties, if it never has receded from the strictest impartiality, and from the acknowledged sense of its treaties, in case the neutrality should prove more advantageous to one of the belligerent powers than to another, become foreign to the neutrality and does not concern it. This depends on local situations and circumstances, and does not remain alike. The detriments and advantages are compensated and balanced by time. All that does not absolutely depend on a neutral power, ought to have no influence on its neutrality; otherwise a partial and frequently but momentary interest, would become the interpreter and judge of existing treaties.

"The distinction between private speculations, and those made by the government and the municipalities, seems to be too vague and it is totally unknown. As this only cannot take place here, it would be superfluous to discuss the question, whether a contract between a neutral government and a belligerent power, respecting supplies or provisions for armies, garrison towns, or ships of war, can be contrary to a treaty in which such exception has been mentioned. The only question here is respecting speculations, which might be made by private individuals—respecting the sale of productions quite harmless in their nature, the disposal of which is not less important to the vender, than the possession of them is to the purchaser—respecting the use of the ships of the nation, which must chiefly seek her subsistence in navigation and the coasting trade. Nor is the question here about ports of war, but about ports of commerce—and if it be lawful to reduce by famine blockaded harbors it would not be quite so just to accumulate this misery upon so many others, when it retards the innocent, and may even reach provinces in France, which have not deserved this increase of wretchedness, either on the part of England, or on that of her allies.

"The want of grain, as a consequence of the failure of domestic productions is not a thing unusual, which might only take place in the present moment; or which might be occasioned by the grounds which constitute the difference so often alledged between the present and former wars. France is almost constantly able to make imports from abroad. Africa, Italy, America, furnish her with much more corn than the Baltic. In the year 1799, France was more exposed to famine than it now is; and yet England could not then avail herself of the same ground—On the contrary, when, soon after, Frederick IV. king of Denmark, on account of his war with Sweden, which requires almost constantly importations from abroad, like France could believe that he might adopt the principle, that exportation can be lawfully prevented, if one has hopes to conquer an enemy by so doing, and he intended to apply, with regard to the country, this principle, which is only considered as valid with regard to blockaded ports; all the powers remonstrated, particularly G. Britain, and unanimously declared this principle to be new and inadmissable—so that the king convinced to the contrary, desisted from it. A war can certainly differ from others with regard to its occasion, tendency, necessity, justice, or injustice. This can be a most important concern to the belligerent powers. It can and must have influence upon the peace, upon the indemnification, and other necessary circumstances. But all this is absolutely of no concern to the neutral powers. They will, upon the whole, give the utmost deference to those on whose side justice seems to be, but they have no right to give way to this sentiment.—Where a neutrality is not quite perfect, it ceases to be a neutrality.

"The ships bearing the British flag, like those which bear that of the allies of England, find in all the harbors of his majesty, every possible safety, assistance and protection—but those cannot be reckoned among their number, which have been captured by their enemies. The French privateers cannot be considered as pirates by the neutral powers, as long as England does not consider and treat them as such. In England the prisoners are deemed to be prisoners of war—they are exchanged—and negociations have even been entered into for this purpose. The usual laws of war are there observed in all respects; and by this rule alone we ought to go. The tri-colored flag was acknowledged in Denmark, at a period when it was acknowledged every where else. Every alteration in this respect would be impossible, without involving ourselves in a war, or without deserving one.

"The admittance of privateers in Norway, is a consequence of this neutrality, before which all regard must vanish. It has found place in all the maritime wars that ever befel Europe. All the nations in their turn have availed themselves of, and desired it. The local description allows no general prohibition. It would only bring us into dilemmas, because we could not abide by it in a remote country, where there are coasts of immense extent, numberless harbors and anchoring places, and only a small number of inhabitants.

The prohibition would therefore be illusory, and even dangerous, as the French, in virtue of their decrees, would then destroy the ships which they would no longer hope to put in a state of safety. The subject is otherwise of small importance—and the means against it are time out and [illegible] applied.

(Signed) "A. P. VON BERNSTOFF."

GRAND ARMY

Thirty-Sixth Bulletin.

POSEN, *Dec* 1.

The head quarters of the Duke of Berg were on the 27 last [illegible]

Gen. Lengles, Commander of the Prussian army, hoping to prevent the French from entering Warsaw, had sent an advanced guard to line the river Busura—The advanced posts met on the 26th; the Russians were overthrown. Gen. Beaumont crossed the Bzura at Lowicy, repeated the bridge, killed or wounded several Russian hussars, made many cossacks prisoners, and pursued them as far as Blonie.

The 27th, four corps of swords were given between the grand guards of cavalry; the Russians were pursued; a few of them were taken prisoners.

The 28th, at night-fall, the Grand Duke of Berg, with his cavalry, entered Warsaw. The corps of Marshal Davoust set out on the 29th. The Russians had recrossed the Vistula and burnt the bridge.—It is difficult to describe the enthusiasm of the Poles. Our entry into this great city was a triumph; and the sentiments which the Poles exhibit all classes in whose our arrival, cannot be expressed.

The love of our country and the [illegible] sentiment is not only preserved entire in the hearts of the people, but has been [illegible] by misfortune; their sole passion, their sole wish is to become a nation. The most wealthy quit their country seats to come and aid for the re-establishment of the nation, and offer their children, their fortunes, and their lives. This spectacle is truly affecting. They have already every where resumed their ancient dress and their ancient habits.

Will the throne of Poland be re-established, and will this great nation enjoy its existence and independence? From what we know of his will it seems to be so? God alone, who holds in His hands the combinations of all events, is the arbiter of this grand political problem; but certainly there never was an event more memorable, more worthy of interest; and from a correspondence of sentiments which does honor to the French, some days before we had concerted excellent measures, were received at Warsaw with good reception, even by the people, and made a vigorous effort to defend the lives well.

Our soldiers think that the [illegible] of Poland [illegible] with the foreign armies of Europe [illegible] they imagine [illegible] The Poles are a great people. They [illegible] themselves indeed [illegible] in [illegible] and [illegible].

PROCLAMATION

At the Imperial Head Quarters, at Posen, December 1.

SOLDIERS,

"I [illegible] very near, [illegible] very near, [illegible] disorder, [illegible] their arms to their vanquishers. They [illegible] sued for peace but [illegible] perhaps condemn [illegible] hard [illegible] upon whose [illegible] they [illegible] Poland [illegible] Hanover, [illegible] places, [illegible] magazines, his arsenals, [illegible] five great fortresses [illegible] Oder, the Warthe, the [illegible] the bad weather of the season [illegible] you for a moment. You have [illegible] every thing, surmounted every thing, and [illegible] at your approach.

"It was in vain that the Russians wished to defend the capital of that ancient and illustrious Poland: the French Eagle hovers over the Vistula. The brave nations of ancient Poland [illegible] seeing you, think in [illegible] legions of Sobieski returning from their memorable expedition.

"Soldiers, we will not lay down our arms till a general peace has restored to our allies the power of our arms, and secured our commerce, liberty and colonies. We have [illegible] upon the heads of the Orange family, our establishments in India, the Cape of Good Hope, and the Spanish colonies. Will we ever give them the right of [illegible] our [illegible] designs? Are not they, as we have seen after Austerlitz?"

Signed, NAPOLEON.

By the Emperor,
The Prince of Neufchatel, minister of war,
Major General,
Signed,
Alexandre Berthier.

LONDON, January 2.

We are happy to believe that there is no truth in the account of Russia having declared war against Turkey. On the contrary, the best understanding is said to subsist between the two powers.

January 4

Bonaparte is said to have ordered, that several pieces of artillery found in the arsenal at Berlin, and which were taken from Austria during the Seven years war, shall be sent to Vienna as a compliment to the emperor.

The bank at Furth has been taken possession of on the part of Bavaria, on which account the king of Bavaria has taken upon himself all the responsibility attached to that concern.

The city of Magdeburg has sent a deputation to Bonaparte, praying to be relieved from the contribution of 350,000 francs, levied upon them by his order.

Previous to the entrance of the French into Warsaw, the armed force directed to be raised by Dombrowsky was completely organized, and under the command of prince Poniatowsky.

Gen. Schraim, from Nieuburg, has been appointed by Napoleon Governor of the whole of the Electorate of Hanover, and was to assume his functions on Christmas day.

Hameln is receiving a supply of provision, for three months. The fortifications at Nieuburgh, it is stated, will be entirely demolished.

At Schwerin, an order was published on the 6th, that all public officers should produce, within 3 days, statements of the amount of all the money and effects seized on by the French troops, as well as of the produce of what has been sold by auction.

The want of provisions, added to the number of the troops, &c. at Schwerin, has caused a violent epidemic disease to break out in that town and neighborhood. About the middle of last month the influx of French troops proceeding to join the grand army was so great that a famine was seriously apprehended; every house in the city was obliged to furnish lodging and provisions for several soldiers; and as fast as they marched away, they were replaced by others.

PARIS, December 7.

In the first piece of the correspondence relative to the last negociations which took place between France and England, there is mention made of an individual who went to Mr. Fox, then prime minister, to speak to him of a plan of conspiration against the person of the Emperor. As there is no further mention made of this matter in the correspondence, the public curiosity has been [illegible] respecting him. We are asked, who is this conspirator he could be, and what has become of him? To satisfy the public on this head as much as possible, we have sought for the most far information, and this is [illegible]

The letter of Mr. Fox was [illegible] to the government, but in every [illegible] contained where this individual could [illegible] measures of the high police were taken, from which it was impossible he could escape. It was at Hamburgh he landed, and on his arrival he was seized.

Brought to Paris, he there underwent several interrogatories, from which it resulted, that, in effect the notice given to Mr. Fox was of the greatest exactness; and that the conspirator really been at London to make known to the English government his part of conspiration. The gravity of his crime was such, that his own confession, that he had little reason to expect to escape from the chastisement he had merited.

An account of this affair being made by the minister of the general police of the empire, his majesty disdained to pay attention to this miserable attempt; he found more of folly than wickedness in the projects of this single conspirator and he directed that the crime should rather be considered as a fit of infanity, than otherwise. The government confined itself, in consequence, to have this man that up in the Picetre, where he still is. He is a man of a middle age, for whom neither nature or education have done any thing.

NEW-YORK, February 21.

On the 17th inst. were apprehended in Providence, R. I. captain Ebenezer Barnes, and a Miles Truce, of Woodstock (Vermont) on suspicion of having a quantity of counterfeit bank notes in their possession. It appeared in evidence that Barnes had passed at Providence five dollar counterfeits to the New York State Bank, and had in his possession, when taken, of ten dollar counterfeits of New-York State bank, [illegible] dollars [illegible] 5 dollar bills, [illegible] dollars; [illegible] notes of [illegible] bank. He declined giving any account of them, he [illegible] for a variety of other things, and [illegible] for the [illegible] in Vermont. He is committed for trial before the Supreme Judicial Court which will sit in Providence on the 2d Monday of March next. Brice was discharged on a recognizance for his appearance at court.

American, AND Commercial Daily Advertiser.

WEDNESDAY, FEBRUARY 25, 1807.

A writer in the Richmond Enquirer of the 20th ult. has undertaken to criticise a political axiom laid down by Montesquieu: We are told that—

"Montesquieu has ridiculously laid down as a "maxim, among the forms of government, "that "virtue is the basis of a republic." But "Montesquieu is now in his grave, and "the rotten state of the Prussian empire, the partitioned territory of Austria, and "the tottering throne of Russia, will have convinced him of his mistakes. The truth "maxim is, that "virtue is the basis of all "political prosperity."

In the preface to his invaluable work Montesquieu expressly [illegible] from a long [illegible] on what he [illegible] years reflection. And the writer in the Enquirer paid no [illegible] attention to this premission, he would not have attempted to [illegible] a principle, the result of attentive observation and great experience. The evidence of Montesquieu's "mistakes" which the Enquirer adduces, are "the ruins of the Prussian empire, the partitioned territory of Austria, and the tottering throne of Russia." And these are to prove that virtue is not the basis of a republic! Surely there is a fallacy in here. Austria, Russia, or Prussia, have no claim to Republicanism, and therefore their fate is no criterion by which to judge. Neither will they support the "*only true maxim*" of the Enquirer, that "virtue is the only true basis of all political prosperity." The ruin of Prussia, the partition of Austria and the tottering of the Russian throne" have not been caused by a want of virtue in the people, but by weakness in their monarchs—a clear and decided corroboration of the opinion that the "basis of all political prosperity" in a despotic government lies more in the genius and energy of the sovereign, than in the virtue of the people. Witness modern France; she enjoys "political prosperity" over-much—Her triumphant banners wave from the heel of Italy to the banks of the Vistula, from Calabria round the shores of the ocean and channels to Dantzick and Thorn—Is it *virtue* to which she owes this prowess, the cause of all her "political prosperity?" No. It is to the genius, the valor, the vigor of her chief. Let him be once taken from her, and the mighty Colossus tumbles to the earth. Therefore, "virtue is" *not* "the basis of *all* political prosperity." But it "is the basis of a *republic*." And wherefore? Because a republic is supported by the public sentiment. Corrupt that sentiment, and the stamina of a republic is gone, and the people ripe and ready for the reception of the base designs of every foul intriguer. The Grecian republics did not lose their freedom and independence till their citizens were corrupted by the gold, the manners and luxuries of Asia. Carthage lost her greatness and her being with the loss of the virtue of her people; and the mighty Rome, whilst her citizens preserved pure minds and hands unsoiled with bribes, was invincible by the world. But her victorious generals brought with them in time the vices of the countries which they had subdued, distributed their immense wealth among the people, rendered them averse to labor, and eradicated from their minds every sentiment which ennobles the genuine patriot: On such corruptions was founded the throne of the