merstan,

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RICHMOND, August 11.

TRIAL OF AARON BURR, Continued by adjournment and held at the Capital in the Hall of the House of Delegates) for High Treason against the States.

Monday, August 10.

[CONTINUED.] Mr. Botts. Have you sald that Col. B. was guilty of treason? Mr. Bucky. No. I only declared that the man who acted as Col. B. had done, deserved to be hung. Q. Did you believe that colonel 38. was that man? A. I did, from what I had heard.

-Mr.H.y. I understand then, that the question proposed in Callender's case is to be over-ruled? Chief Justice. My brother Judge does not recollect whether it particularly went to the indictment. Judge Griffin. I think the question was, ' relative to the matter in issue.' Mr. Hay-The very position that I have laid down. Chief Justice. The simple question is whether the having formed an opinion not upon the evidence in court, but upon common rumor, a man is competent to decide upon the real testimony of the case. But in my opinion this very circumstance only disqualifies him the more. Mr. Wirt (addressing himself to Mr. Bucky.) Did I understand you to say that you concluded upon certain rumors you may have heard, that colonel Burr deserved to be hung? A. I did. Q. Did you believe these rumors? A. I did. Q. Would you If you were a juryman, form your opinion upon such rumors? A. C. rtainly not.— Mr. M'Rae. Did you form and express your opinion upon the question, whether In overt act of treason had been nommit ted at Blannerhasset's Island? A. It was upon other rumors; and not upon that that I had formed an opinion. Mr. Mar tin submitted it to the court, whether he could-be'considered as an impartial juryman. The court decided that Mr. Bucky be put aside.

2. James G. Laidley stated, that he had formed and expressed some opinions unfavorable to colonel Burr, that he could pot pretend to decide upon the charges in the indictment, which he had not Beard; that he had principally taken his opinions from newspaper statements; and that he had not, as far as he recollected, expressed an opinion, that colonel Burr

deserved hanging. Mr. Laidley put aside. 3: James Hamilton being challenged for cause and sworn, stated that he had formed and expressed an opinion from hearsay, that colonel Burr was guilty of treason, and in that particular line of treason, in which colonel Burr stood charged, as fur as he understood. Put aside.

Nir. Burr observed, that as gentlemen enthe part of the prosecution had expressed a willingness to have an impartial jumy, they could not refuse that any juryman should state all his objections to himself; and that he had no doubt, in spite of the contrary assertions which had been made, that they could get a jury

from this pannel.

4. Hamilton Morrison upon being cal-Bed; said, that he had frequently thought and declared, that colonel B. was guilty, The the statements which he had heard were true; that he did not know whether they were so; but only thought from the great chamor which had been made, that It might be possible they were true; that The had not passed any positive opinion; nor was he certain that he had alway. equalified it by saying, 'if these things were true; that he does not recollect to baye said that colonel Borr ought to be punished, without stating at the same time, if he was guilty. Mr. Morrison was put aside for further examination.

373, Yates Y. Conwell had formed and expressed an opinion, from the reports he Bad heard, that col. Burr must be guilty of High Treason. Set aside.

8. Jacob Beeson, declared, that he for some time past had formed an opinion, as well from newspaper publications as from The boats that had been built on the Ohio, that colonel Burr was guilty; and that he bimself had borne arms to suppress this Set aside.

73 William Prince declared that he stad nearly the same impressions as Mr. Becom y that he too had borne arms ; as reell on Blanner Hassett's Island as on descending the river in search of Blanner. Danskit. Set aside.

8. Nimrod Saunders declared that he had expressed an opinion, previously to his belog summoned on the jury, that the prisoner had been guilty of treason. Set

29. Thomas Creel had no declaration to inske lewis challenged for cause. Upon Breing Interrogated, he stated that he had peror asserted that the prisoner burght to be punished, that he had said that he was sensible man, and if there was any hole delt be would creep out of it, that he had cooceived that colonel Burr had sedu. ted Blannerbasselt into some acta that grete bot cight; that he had never bosidivily asid that colonel Burr was guilty:

in life, whereas colonel Burr was a desperate man, who had little to lose; that he had never said that colonel Burr had directly led Blanberhasset into guilt, but only through the medium of Mr. Blannerhasset; and that there was no determinate impression on his mind respecting the guilt of the prisoner.

The Chief Justice did not think that this was sufficient to set him aside, and suspended his tase for further examina-

10. Anthony Buckner had frequently said, that the prisoner deserved to behung. Set aside.

11. David Creel had formed an opinion from the statements in the newspapers, and if these were true, the prisoner was certainly guilty: He had expressed a belief that he was guilty of the charges now brought against him, and that he ought to be hung. Set aside.

Jurora from the body of the district. 1. John Hornce Upshaw declared, that he conceived himself to stand there as an unprejudiced juryman; that he had formed opinions hostile to the prisoner; if opinions they can be called, which are

for ned from mere newspaper testimony.

Mr. Burr. We challenge Mr. Upshaw for cause.

Mr. Hay. Then, sir, I most seriously apprehend that we shall have no jury at all. I solemnly believe, that Mr. U. is. an impartial jurymen; and I will venture to assert (whatever credit my friends on the other side will allow to my assertion) that I myself could do justice to the ac cused; I believe that any man can, who is blessed with a sound judgment and integrity. We might as well enter at once a Nole Prosequi.

Mr. Wickham. Then according to the gentleman's doc rine, any honest man no matter what his impressions may be, is a competent juryman. Is this agreeable to the principles of law? Does the ge tleman mean to insinuate that when we object to a juryman, it is from a want of honesty. No, sir. Every men is subject to partialities and aversions; which may unconsciously sway his ju gment. Mr. Upshaw does no doubt deem him-eian impartial juryman: but Mr. U. may be deceived.

After some desultory argument between Messrs. Hay and Wicknam, Mr. Wirt proceeded to ask Mr. Upshaw, whether he had understood him to say hat nowithstanding the hostile impressions he had taken up from newspaper reports, these impressions had not received that determinate character which might entitle them to the name of opinions? A Such is my state of mind. I have received impressions hostile to colonel Burr and have expressed them with some warmth. Mr. Upshaw stated that his impressions had been drawn from the documents fur nished by Generals Eaton and Wilkinson; that he had conceived that the prisoner had been guilty of some criminal act against the public; and that he had gone on further to vindicate the conduct of those gentlemen who would appear as the principal witnesses against him, and also of the government in the measures which it had taken to suppress his plans. Mr Upshaw's case was suspended for subsequent examination.

2. William Pope declared, that his impressions were nearly the same with those of the gentleman, who had preceded him; that he had thought at first from newspaper representations that it was col. B's intention to make his fortune in the west by the settlement of lands; that when he had afterwards understood that he had formed an union with Wilkinson to proceed to Mexico, he had regarded the prisoner's conduct with a venal eye; but when he had afterwards understood that there was treason mixed with his projects, it was impossible for him to view his conduct without the deepest indignation: If these impressions could be called prejudices, he trusted that he should always retain them; because what other sentiments could he feel against such a crime perpetrated against the very best government on the surface of the earth. But from his heart he believed, that he could divest himself of these unfavorable impressions, and give col B. a fair and honorable trial. He would add that in pursuance of the spirit manifested by them, the constitution, which required two witnesses to an overt act of treason; he should think it necessary to require that the evidence for the United States, should be so strong as to make the scales preponderate. Mr. Wickham. You will not misunderstand me, Mr. Pope, when I ask you whether you have not been a candidate for your county, and are now a delegate? A. Yes. Q. In canvassing among the people, have you not declared that the government had acted properly in commencing this prosecution? A. Yes. I believe I have said generally, that thought col. B. guilty of high treason.— Set aude.

3. Peyton Randolph declared, that it. had never been his wish or intention to slirink from the discharge of a public duty; but that he had peculiar objections to serving on this occasion; one of which only, be should state. He had been enrolled and was qualified as a lawyer in this court a and he would submit it to the court, whether this did not exempt, may even disqualify him from serving. C. J. admitted Mr. R's privilege, unless there was an express interposition on the part of the prisoner to retain some of the Venite a for this would call a conflicting pri-Vegge 1010 operation. Mr. Burr said, that

said the prisoner was guilty of trea-

son; but of something hostile to the peace and happiness of the United States. Upon being interrogated he observed, that he was a delegate from the county of Hanover, thet there had been a competien tion at the last election; that he had had occasion to speak at that time, of the views of the prisoner, but had always done it cautiously; had never asserted that he ought to be hung, but that he was guilty of something untriendly to the peace of the U. States. Mr. Wickham. You have said that the prisoner was guilty? A. Yes. Chief Justice. Did yeu ever make up an opinion about his levying troops and mak ing war against the U.S.A Yes: but I have never expressed it. Mr. Burr-Take the whole together, and it amounts to an opinion of treason. Mr. Bowe has said that col. Burr was guilty; and of what? of that which in Mr Bowe's mind amounts to the definition of treason. Set

5 John Roberts had thought and declared that the prisoner was guilty of treason; though he had no doubt, that his opinion might be changed by the production of other testimony. Set aside.

6 Joshua Chassin excused from indisposition.

7 Gervas Storrs stated that the state of his mind was like that of the gentleman who had gone before him; he was in the habit of reading newspapers, and could not but examine their statements relative to these transactions. If he could believe General Eaton's assertion that the prisoner had threatened to turn Congress out of doors and assassinate the President, he had said and would still say so, that Colon-l Burr was guilty of treason. If General Wilkinson's letter was true, he had surely been guilty of something in the west, that was hostile to the U. S. He did not know whether in the multifarious conversations he had had on this subject, he had always expressed this opinion of his guilt with that res rvation Mr. Storrs confessed that it might be prejudiced against the prisoner; and that he might be judging too highly of his own mind, to entertain a beli f that h could divest himself of all his impression. -Sit aside.

8. Miles Seldin declared, that it was impos. sible not to have ente ed into the friquent converlations which had occurred in this topand to have declared frome opinion; has be had always faid, that Col B was guilty of formething, and that if he was quilty of track n against fuch a governmen, he would defer to be hung; that he could not offer that be had always accompanied his opinions with this refervation; but that he was not afraid to trust himself in the rendering of a end to Upon being interrogated he find that he ha! frequently jested on this fabiest; and particu larly recolleded to have faid in a tp rive cin verlation with Col. Mavo, that this was a federal plot and that Burr had been let on by th. federalists. Suspension

9. Lewis Trueba had said, if the reports were correct, that Col B had been guilty of fomething inimical to the country, and that he always qualified his opinions in that man nor Col. Tinsley was then called in, who flated that from a conve. I stion with Mr. Truehart he thought he had differenced that he had a general preposession against Col. Burr-Sur-

10. William Tancey had expressed an opinion that Col. B. was guilty on newspaper testimony but that he had no doubt, he should entertain a different sentiment, if other testimony were produced—Set aside.

11. Thomas Prosser had made numberless declarations about Col. B; that he had believed him to be guilty of a treafonable intenti n bur not of the overt act; on this point he had fu -pended his opinion, but he was rather inclined to believe that he had not commit dit. Mr Mar tin Can this gentleman be confi ered as an

impartial juryman, when he thus comes with his mind made up on one half of the guilt? Suspend-

12. John Staples had be n under the same impressions, which had been described by others; that he dared to fay that he had said Col. B. was guilty of levy ng troops and making war upon the U. States. Set aside.

13. Edward C. Stannard acknowledged that his prejudices against Col. Burt had been deep rooted—that he had no doubt of the criminality of his motives, but he had doubts of the commission of an overt act; he regretted that a man of his genius and energetic mind, should be lost to his country; upon being interrogated he observed that he had doubts as to the overt act, because he believed him to be a man of such infidious intrigue as never to jeopardite his

own life - Set wide 14. Richard B. Gonde stated, that from newspaper information and common report, he had formed an opinion unfavorable to Col. B. and that this opinion had been confirmed by what had fallen in this court from his own lips: but that without arrogating to himfelf more virtue than belongs to the hu nan bosom he was satisfied that he could render him strict and impartial justice. Some conversation here ensued respect. ing certain transactions which took place between him and Capt. Heath of the Mancheller troop of hurse. Mr. G. delivered a long narrative of these incidents, which he concluded by afferting that he had addressed a letter to Capt. H. in which he had refused to act under a commander, who had fandioned a man that had been a traitor to his country. - See unide.

15. Nathaniel Selden stated be had formed an opinion particularly from G Eaton's depofition, that the intentions of the prisoner were hostile to the United States; but that he had also said, that he had seen no evidence to satisfy him that he had been guilty of any overt act.-Surpended.

16. Leme Smock declared that he had formed and expressed an opinion as to Col. B's treasonable defigna; that he had formed that opinion from newspaper publications and common report; and that he had constantly conceived Col. B's intentions to be treasonable. Mr. Wickham. Have you ever formed an opinion that Col. B. was guilty of treason lal have in my own mind. Set afde.

17. Ricbard B. Parker had, like every other perlan, formed an opinion on this cale, on new!paper flatements i but he had heard wery little of the efficience that may be adduced on this occasion. He had declared, that if there new!paper flatements were true, Col, B. had been guilty 1 as to the doctrine of treaton he had not

had jult been rejected who appeared to him to be to similarly circumstanced with himself in regard to their feelings and opinions, that he had feared the court and Mr. Burr had not clearly understood his late declarations. It therefore was a duty the owed to Col Burr and h mfelf to Aate more particularly, before heaves sworn, his sentiments and impressions, lest he might have been misapprehended. He had faid, and he would repeat it, that strong impressions unfavorable to Col. Burr, had been and were still entertained by-him. He had frequently in conviriation declared, perhaps warmly declared, those impressions. It was true, they had been made by news paper cviffence, fince he had never heard a witness examined on the question, but that evidence had impressed him with the belief that Col. Burr Imd bein engaged in enterprises contrary to the laws and to the interelts of the U.S. He had, for example, read de positions, which he believed to be true until the contrary was proven, although on that point he was open to correction-Concerning the doctrine of Treason, moreover, he had sormed no fettled opinion -It was unnecessary to go further in detail, but was ready to answer any question Col. Burr er his counsel thought proper to ask-Col Burr observed that from the gentleman's candid declaration he faw no reafon to change his opinion of him. He was willing to rely upon his integrity and honor, and herefore accepted him.

A defultory argument here enfued about the propriety of swea ing one juryman at a time: The counsel for the profecution opposed; the counsel for the prisoner advocated the doctrine. The court d cided that it would adhere to the practice of Virginia; and swear 4 jurymen at a

18. John IV Ellis had entertained and did not now entertain any doubts, that the prisoner had been guilty of a treasonable design.—Sus-

19. Thomas Starke, without any expectations of being summoned as a juryman, had flated his opinion to his neighbors, that Col. B. had been guilty of high tr ason. - Set aside.

20 William White flated, that he had been in the western country in May last; and from Col. B's character and from the representations he had received of his conduct, he had been indired to fay, that he was guilty of treafou, and that hanging was too good for him -Set aside. 21. Wm. B Chamberlayne flated, that he thood in a very peculiar situation; if as Mr. Wickham declared, any man was unfit to be a juryman ... ' d affer ed Col B to have been wur. y of death; he was r ady to confess that he h mi'lf came under this restriction. He had so said; but he did not now believe that Col. B. had committed an overt act of treason, though he believed him to be guilty of the intention: He however believ d that he could do him ju! tice; and that he could conscientiously pass between him and his country -Set aside

22 David Lambert wished to be excused on account of his in tispolition, but the court reje 2ed h s p ea On being interrogated, he declared hat he does not reco lect to have formed an opinion for or against Col. B. - Elected.

23 William Homes had no hesitation in saying that he has often declared his opinion that Cil. B was guilty of treasonable inten ions an i perhaps he might fay, of treafon itselt. He had imb bed his imprefions from every thing he had teen, heard or read. He had understoon th t Col B's countel had made preparations to prove that he had disqualified himself by his own declarations. He should thank them to dev lope their objections.—Mr Burr. I assure ou, sir, no preparation has been made.—Set a-

24. Overton Anderson had often expressed an opinion that Col. B's views were inimical to the United States; these opinions he had principall formed upon newspaper flatemen:s ; he did not recollect that he had ever asserted him to be guilty of treat in; but he had fometimes given credit to the representations which he had heard, without particularly defining the degree of guilt in which they might involve the prisoner.—Set aside.

25. Hugh Mercer upon being called, said, it was his duty to state, that an opinion which he had for some time past entertained of the character of Col. Burr, was unfriendly to a strictly impartial enquiry into his case; that he was entirely uninformed as to the testimony which would be introduced, and that he did not recollect to have ever expressed a positive opinion either as to his guilt or innocence.

26. Jerman Baker had entertained opinions unfavorable to A. Burr, which he had repeated. ly expressed; he had spoken them with warmth, for it was his nature to be warm: He had no doubt that the prisoner had formed very unfavourable defigns against the U. States; but from his ignorance of the evidence, he could not venture to say that they had ripened into an overt act -Mr Burr. What opinion have you forme I of me I A. A very bad one; which have expressed often when called upon and often when not.—Set aside.

27. Edward Carrington had formed an unfavorable opinion of the views of Col. Burr; but thes opinions were not definitive : so ne had said that Col. Burr's object was to invade the Spanish Territories; others, that it was to dismember the Union: his own opinion had not been definitely fixed There was another subjest connected with this trial, on which he had also expressed his opinions; and that related to the measures taken at New-Orleans. His own opinion had been that it was impossible for any one at this remote scene to determine upon the flate of affairs in that city; but that if gen-Wilkinson did seriously believe what he said had been represented to him as the views of Col. Burr, that he himself considered it as an extreme case, and that it was proper to act in somewhat the like form that Gen. Wilkinson had pursued. This has been the state of my mind for 12 months-Mr. Burr. Have you, Col any prejudice of a more settled kind and ancient date against me ! Col. C. None at all .- Mr. Burr. He is elected.

The four jurymen that had been elected, were then called to the book, and sworn : viz. Messrs. Parker, Lambert, Mercer and Carring-

28. Robert Hatkins had expressed an opinion that Col B. was guilty; but does not recollect to what extent he went. He might have faid that he deserved to be hung. -Set aride.

20 William R. Fleming had formed and frequently expressed an opinion, that col. B. was guilty of treasonable intentions; and might have made a general declaration, not only as to intentions, but to sets .- Set aside.

30 George W. Smith Suggested a right to the same exemption, which had been granted to Mr. P. Randolph. The Court faid that this privilege would be incontestible, unless the prifoner thould urge his conflicting privilege. Butriben requelled Mr Smith to sttend tomorrow. Mr. Smith withed to be exculed, a he had some important business in another court to attend to ! He should however attend on the trial to morrow; but it might now be proper to flaterabe general impressions which he had n formed a conclusive opinion. Mr. Bur. Lie bedred from thele transactione. He had gener

Prejudice against him i he himlelf had not only been solicitous not to declare, but even to form an opinion. No one can however avoid reading representations of these things in the public papers; and he had formed and declared his impressions, that Col. B. had entertained desg is offensive to the peace and laws of the U. States. What was the species of guilt, he had not pretended to define : but he had concluded fro n the newspaper reports and the testimony which he had heard in the other wing of the Capitol. that his designs were of a military nature : and that they might amount at least to a misdemeanor.—Suspended.

31. Armistead T. Mason had formed no delfberate opinion, in regard to the actual commission of treason. But it was his deliberate opinion that Col. B. had designed if not to subvert the government, at least to divide the country-Suspended.

32. Dabney Minor had often said that Col. B's intentions were unfriendly to the U. States, but had received no politive testimony .- Some conversation here ensued between Mr. M and Mr. Botts, when Mr. M. was suspended until to-

Of the whole Venire, then, that appeared, 4 only were elected and sworn ; and 9 were sulpended. The case of these last will probably be decided this day.

The Court then decided, that there was no necessity for delivering the jurymen who had been or should be sworn into the custody of the marshal, until the whole number had been impanneiled.

Adjourned till Tuesday, 11 o'clock.

BOSTON, Angust 15.

It is said by some gentlemen, passengers in the Packet, arrived yesterday, that our Commissioners had nearly settled all the points in dispute upon the return treaty, and that Mr. Monroe expeded fortly to embark for this country. We are concerned to observe, that the conduct of the British cruizers, both in their own waters and the Mediterranean, does not comport with this intelligence.

American,

Commercial Daily Advertiser.

WEDNESDAY, AUGUST 19, 1807.

The politeness and attention of captain. Handlen, of the schooner awater, from Charleston, is gratefully acknowledged by the

By the arrival of the ship Packet, Scott,

at Boston from Liverpool, English news has been received up to the 3d of July: Desirous of hastening on with the publication of Eurr's trial, and making room for other matters already in type, we shall give in a summary way the information furnished by the Packet, which, indeed, is of some impo tance, as it tends to show the public sentiment in Great Britain to be in favor of the preservation, of a friendly correspondence with the United States of America, and the despondency which pervaded the popular mind with respect to the result of the bartle of Friedland. It would be an useless repetition to detail over again the incidents of the battles of & previous to the 14th of June, and it is sufficient to say that the accounts which the 78th bulletin contained, and those which prince Borghese brought from the French head quarters, are corroborated in all the leading particulars by the advices received in England from the Hague. We are already informed that in the various encounters from the 5th to the 14th of June, the French took, wounded, and killed, about 30,000 Russians, and that in the desperate and bloody battle of the 14th. as many more fell victims in various ways to the discipline and valor of the French legions. Thus in the short space of 9 days 60,000 men have been pruned from the Russian army. Bonaparte gained the victory of the 14th by one of those bold and decisive strokes which have always characterised his mode of warfare : Ho outflanked his encury, and his veteran troops rushing to the conflict, pressed with irresistible fury upon their foe, & left, them no alternative but a precipitate retreat or a death-bed on the field of battle? Some idea may be formed of the tremendous slaughter from the circumstance which the English advices state, that in the compass of a very small space ten Russian generals were found killed and wounded in the midst of 3,000 of their soldiers in the same situation. The straggling and flying squadrons of Russia were. pursued with renewed vigor by the French; Konigsberg, the ancient capital of Ducal Prussia, is represented to be in their hands or at their mercy; in which disastrous fate the intelligence received. in London, adds Pillau, a fortified town and the port to Konigsberg, from which it is distant 20 miles, and Memel, a strong town of Eastern Prussis, with a castle the finest harbor in the Baltic, enjoying (when they are to be enjoyed) the advantages of an extensive commerce, and ly=" ing 76 miles N. N. E. of Konigsberge Among the generals lost by the Russia ans the British journals give the name of Bennigsen, of which, however, it may be permitted us to doubt, as the French accounts do not correspond with that pure ticular, a circumstance which, were it true, we presume they would not have failed to notice. So strong was the cone viction on the minds of some men in England of the fatal consequence likely to result to the cause of the coalition against France, that one journalist is compelled to doclare that a battle has been Sought ribich has completed the conquest all the Pruesian monarchy, and overthrown the best but wark of the Russian empire i's while prothets after acknowledging that " Munoleon has goined a signal victory," calls upon Great

Britain to " prepase for a confest striffe

banded with the conqueror of the continent. Other

journalists, on the contrary, endeavor to

console the English nation with the hope