

PRINTED & PUBLISHED BY W. PUGH, 31, South Gay-Street. (Printer of the Laws of the Union.)

Daily Paper \$7 and Country Paper \$5 per ann. All advertisements appear in both Papers. MONDAY, AUGUST 24, 1867.

RICHMOND, August 18.

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

It is proper to observe that on Thursday three of the jury, who had been summoned on the second venire, were discharged by the court, viz. Gen. Pegram, because he was then engaged in military business; Mr. Lewis, because he owned no freehold in the state of Virginia; and Mr. William Moncure, of this city, on account of his indisposition. It was understood before the rising of the court, that the marshal was to summon three substitutes, and that the prisoner would accept them. Of course the venire which was this day brought into court, was complete, and consisted of 48.

Benjamin Tate was excused from serving, on account of his indisposition.

Henry Randolph wished to be discharged, because he was engaged in collecting the public revenue. The court would not however admit the validity of the excuse.

The venire was then called over, in the following order:

- Jacob Michaux, Powhatan, William Randolph, Surry, John Edmunds, Sussex, George Minge, Charles City, William L. Morton, Charlotte, Christopher Anthony, Gloucester, John D. Robertson, Washington, Truett, Louis A. Martin Smith, Prince Edward, Benjamin Tate, city of Richmond, Christopher Tomkins, do. Benjamin Branch, Dinwiddie, Thomas Branch, Chesterfield, James Sheppard, city of Richmond, Gabriel Ralston, do. Mitajah Davis, Bedford, Reuben Blakey, Henrico, Miles Seldon, Sussex, Walter Blunt, do. Richard N. Thwait, Peterburg, John Fitzgerald, Nottoway, Robert McKim, city of Richmond, Benjamin Graves, Chesterfield, Wm. McKim, city of Richmond, Robert Hyde, do. Thomas Miller, Powhatan, Thomas Branch, Chesterfield, Robert Gode, do. Henry Randolph, do. Miles Bott, do. Henry Bridgewater, do. Edward Hillam, city of Richmond, Anderson Barrett, do. Henry Coleman, Halifax, Edmund Baily, city of Richmond, Holder Hudgins, Matthews, William H. Higgins, do. John Price, Henrico, Isham Godwin, do. Wm. S. Smith, do. George Blakey, do. Gray Carroll, Isle of Wight, Isaac Medley, Halifax, Richard Cud, Henrico, Edward Mumford, Powhatan, Samuel Allen, Buckingham, John M. Sheppard, Hanover, John Curd, Gloucester.

There were 7 absentees.

Mr. Burr then observed, that the panel was now reduced to 40; and as it would be exceedingly disagreeable for him to exercise the privilege of making peremptory challenges to which he was entitled, he would lay a proposition before the opposite counsel, which would prevent this necessity. He would select eight out of the whole venire, and they might be immediately sworn and impaneled on the jury.

The C. J. suggested the propriety of placing these eight at the head of the panel.

Mr. Hay had no objection to this arrangement. It would be easy for him to examine the qualifications of the eight who were selected, when they were once known.

William S. Smith then requested to be excused, on account of his indisposition. Mr. Burr observed, that Mr. S. was one of those whom he had selected; but he would be sorry to impose such a burden upon any invalid. Mr. S. was discharged.

When Christopher Anthony was called, he observed to the court, that he had uttered some expressions since he came to town, which he had been told would certainly disqualify him from serving. Mr. Burr. Perhaps they were used through levity. Do you think they would be sufficient to warp your judgment? A. No. Mr. Burr. Then, sir, you are not disqualified. Mr. McKim. State the tenor of those expressions. A. When I first arrived here, I met with an intimate friend, to whom I observed that I had come to town with a hope of being placed on this jury, and that I would use my exertions to bring Col. Burr. Mr. McKim. Do you say so, knowing that such expressions would disqualify you? A. I did not say for I never expected to be put on the panel. Q. Were you serious? A. Far from it. I spoke in the utmost spirit of levity. Q. Have you been in the habit of reading the newspapers? A. Yes. Q. Have you read Gen. Eaton's opinion? Messrs. Burr, Martin and Sheppard arose and objected to the question. Mr. Martin. You have no right to disqualify any jurymen for us. Mr. McKim. We too have rights. The C. J. Certainly the counsel for the prisoner challenge for cause. Mr. McKim. We are entitled to the same rights, which the public counsel have exercised as to

the former venire. When the jurymen were successively called before the court, did the opposite counsel in every case challenge for cause? Did not the prisoner make some general observations, that were intended for the ears of the jury; in which he spoke of his right to challenge, and requested every jurymen, who was conscious of prejudice, to object to himself? Did they not, in several cases without exercising the right of challenge, previously enquire of the jurymen, whether they had no declarations to make? Did not the counsel for the prosecution suggest some doubts about the propriety of this course? and did not the prisoner reply, that no jurymen ought to lock up in his own bosom the prejudices which he had conceived, and that he ought to declare them himself? Did not Mr. Botts frequently interrogate the jurymen, whether they had nothing to state? Mr. J. Baker's case will be particularly recollected; for that gentleman positively replied, that he had no observations to make until he had been challenged; and not until this step had been taken, did any declarations fall from Mr. Baker. We wish to pursue the same course now, that was adopted on that occasion. We wish to challenge no jurymen for cause, until they have previously made declarations of their state of mind. The same justice is due to the U. S. as was awarded to the prisoner; and they have the same right to know whether a jurymen is as perfectly impartial in relation to the prosecution, as to the prisoner. As to the jurors, themselves, they would certainly be willing to give all the information in their power.

Mr. Hay was willing to take the persons selected; for he entertained no doubt of the integrity of the gentlemen who were summoned. He was willing to take them, provided they should be asked by the bench, whether they were conscious of any cause, which should disqualify them from serving. If they themselves were satisfied, he should be also satisfied. No man on this panel who had definitively made up his mind, would conscientiously think to lay his hands on the book and solemnly avow himself an impartial and qualified jurymen. The chief justice understood then, that these selected eight were to pass without challenge, unless they challenged themselves. If the court were required to say, as seemed to be the wish of the prosecution, that any impressions were sufficient cause for challenge, he would ask where would this inquiry stop, or where could they obtain a jury? "Gentlemen (turning to the jury) if any of you have made up and declared an opinion on the case, you will say so, before you come to the book." Mr. Burr. The law presumes every man to be innocent, until he has been proved to be guilty. It is therefore the duty of every citizen who serves in this jury, to hold himself completely unbiased; it is no disqualification then for a man to come forward and declare that he believes me to be innocent.

When Christopher Anthony was called to the book, he stated that he was in court the other day when the first venire was investigated; that it would be extremely unpleasant to serve on the jury, after having formed the very same opinions which he understood had disqualified others. Mr. A's objections were overruled.

John M. Sheppard. I too feel myself disqualified from passing impartially between the U. States and A. Burr. From the documents that I have seen, I have believed, and do still believe, that his intentions were hostile to the U. States. It would be inflicting a wound on my own bosom, to be compelled to serve under my present impressions. Mr. S. observed, that considerations of a private nature had also borne upon his mind; for he had a child at home extremely sick. Mr. Burr. Notwithstanding Mr. Sheppard's impressions, I could rely upon his integrity and impartiality. As to his private considerations, I do not wish wantonly to wound his feelings. I must request him therefore to set down for a moment, until we can ascertain whether we can make a jury without him. Mr. Hay. Has the court understood the extent of Mr. Sheppard's declarations? Chief justice. If the prisoner's counsel waive the right of challenge, there is an end of it.

James Sheppard was then called; who made no declaration.

Reuben Blakey. I have made up no opinions either way, positively on this subject.

John Fitzgerald. It is incumbent on me to state to the court, that I have formed and delivered an opinion unfavorable to Col. B. My opinion has been founded upon the depositions of Generals Eaton and Wilkinson, and other newspaper publications; and it is, that col. B's intentions are hostile and treasonable against the U. S. On which account I am very unwilling to serve, lest I should possess that bias upon my mind which is unbecoming a jurymen. Mr. F. was requested to sit down for a few moments.

Miles Botts. From the affidavits of Gens. Wilkinson and Eaton, my opinion has been completely made up for several months past. Mr. Martin. I suppose you have only taken up a prejudice, on the supposition that the facts stated were true. Mr. Botts. I have gone as far as to declare, that col. B. ought to be hung. Mr. Burr. Do you think that such declarations would now influence your judgment? A. Human nature is frail. Now I can positively say. Q. Have you lately declared them? A. Within a few months, I do not feel myself a competent jurymen.

Mr. Burr. It will be seen, either that I am under the necessity of taking men pre-possessed against me or of having another venire. I am unwilling to submit to the further delay of other tales, and I must therefore encounter the consequences. I will take Mr. Botts under a belief that he will do me justice.

Four jurymen then having been selected, the three following were sworn: Messrs. James Sheppard, Blakey and Botts. Mr. C. Anthony was affirmed.

When Henry Coleman was called, he stated that he had conceived and expressed an opinion that the designs of col. B. were always developed in mystery and always inimical to the U. S. and when informed by the public prints, that he was descending the river with an armed force, he had felt as every friend of his country ought to feel. Mr. Burr. It, sir, you have completely prejudged my case. Mr. C. I have not. I have not seen the evidence. Mr. B. That is enough, sir. You are elected.

Mr. Hay then suggested to the court, the propriety of not swearing all the jury this day; as it would subject them to the inconvenience of an unnecessary confinement in their own room to-morrow [Sunday.] Would it not be better for Mr. Marshal [the clerk] to swear three only out of the remaining four? The court might then impanel the whole on Monday and proceed immediately to business. Mr. Burr had no objections to this measure; but hoped that the court would enjoin them not to hold any conversations on the subject of the trial.

John Curd upon being called, stated that he had no prejudices for or against the prisoner; but he was bound in candor to inform the court, that he was afflicted by a disorder (a palpitation of the heart) which might interrupt and delay the progress of the cause. Excused.

Isham Godwyn had formed and declared an uniform opinion of Col Burr's guilt. If he was impanelled, he should be so, under a strong impression that colonel Burr was guilty of treason. Suspended.

Samuel Allen had for several months made up an opinion unfavorable to the prisoner. Suspended.

Benjamin Graves gave a long history of his domestic and family engagements to excuse himself from serving. He was asked whether he could not make some arrangements of this business between this time and Monday, calculated to remove all the inconvenience of his serving. Mr. G. could not positively say.

Mr. Burr then observed, that the two jurors who had been selected, might be sworn; the other two might be selected on Monday—And Messrs. Coleman and Bott were accordingly sworn.

Mr. Burr hoped that the Marshal would direct all the necessary preparations to be made for the accommodation of the jury, who would be confined to their own chamber after Monday.

Col. Thomas Branch was then excused from serving for a reason similar to gen. Pegram's.

The Chief Justice requested the jury and the remaining members of the venire to attend on Monday at 12 o'clock; and enjoined them to hold in the mean time no communication on this subject with the world.

Mr. Hay stated, that he was satisfied from some expressions which he had heard from Mr. Mumford at the moment of his summons, that the prisoner would himself object to him.—Mr. Burr was satisfied with the attorney's word, and Mr M was accordingly discharged.

Mr. Burr was sorry to be importunate; but he was under the necessity of mentioning more the letter of the 21st October. He wished to know whether the attorney had yet found it amongst his papers, or whether he could point any other means for obtaining it. Mr. Hay had gone through two bundles of papers transmitted to him by Mr. Rodney; but he had not found it. There were other papers which he was yet to examine. He had however a copy of the original letter. Mr. Burr. Where is this copy from? From Washington or from Gen. Wilkinson? Mr. Hay. It is from Gen. Wilkinson. He has however written from the original Mr Burr. I shall not accept of his copy. But I will state this proposition to the attorney. If he does not find this letter by Monday, will he consent that I shall have a subpoena duces tecum? Mr. Hay. I have no objection. C. Justice. I suppose an order may be made to issue a subpoena duces tecum addressed to the attorney general for the U. States, in case the letter is not found. Mr. Hay. I have no objection.

A defolatory conversation ensued between Messrs. Hay and Botts, on the arraignment of H. Bannerhaft. Mr. Hay was averse to interrupting the jury after it had been once impanelled for the trial of Mr Burr; he was therefore anxious to have Bannerhaft immediately arraigned and if possible, to have some day fixed for his trial. Mr. Botts did not think it possible for the court to fix on a particular time for his trial; or for the attorney to furnish any means for calculating it. Mr Bannerhaft was not prepared for his trial; but he was then preparing a brief for the information of his counsel; which might enable them to give a definitive answer on this subject.—Mr Hay was willing to grant them any accommodation they might require. At all events the court would only have occasion to meet one hour sooner on some day, for the arrangement of this affair. Mr. Botts promised that he would notify the attorney some day in the next week, for his purpose.

The court then adjourned till Monday at 12 o'clock.

MONDAY, August 17.

Charles Lee, Esq. appeared as counsel for the prisoner.

Dr. Bennett of Mason county, a witness on behalf of the U States, was called and recognized.

Mr. Hay stated some little difficulty which had occurred between Mr Botts and himself. He had furnished the prisoner with a list of the names of such witnesses, with their places of residence, which had been in his possession. He had likewise proposed and Mr Botts had consented, that all such witnesses should be examined, whose names should be furnished to the

prisoner before the commencement of the trial. He had furnished the names of three on Saturday, viz. Messrs. Neil, Goodwin and Jones; which Mr. Botts did not think ought to be accepted, because they were not furnished previous to the trial. For his own part, he did not think that the trial could be said to have commenced before the jury were sworn and impanelled.—Mr. Botts denied the existence of any such agreement between Mr. Hay and himself; and entered into a long statement to show that Mr. Hay was mistaken. For the truth of his assertions he appealed to the Record of the court. However he would agree as a matter of voluntary motion and grace to the introduction of these three witnesses.

Mr. Hay solemnly expressed his belief in the accuracy of his statements; but as he was at liberty to introduce these three witnesses, he would let the subject rest, where it was at present.

The names of the selected Jurors and of the venire were then called over. After which John M. Sheppard and Richard Curd were selected to compose the panel and sworn.

The following is therefore a complete list of the Petit Jury:

- Edward Carrington, Reuben Blakey, David Lambert, Benjamin Graves, Richard L. Parker, Miles Bott, Hugh Mercer, Henry Coleman, Christopher Anthony, John M. Sheppard, James Sheppard, Richard Curd.

Proclamation then having been made in due form, the Prisoner standing up; the clerk read the copy of the indictment, and afterwards addressed the jury in the usual form. (To be continued.)

NEW YORK, August 21. New York, August 20, 1867.

Sir, Considering the present state of the U. States and Great Britain, I deem it my duty to make public a circumstance which occurred yesterday, about four miles from the land, and about ten to the southward of Sandy Hook.

While lying to a distance of the mainland upon the boom, the English Packet, capt. John B. Alderson, came along, about 1 mile to windward, and fired a gun, which, in ten or twelve minutes afterwards was fired another gun, which, from my own observation, passed over our stern about fifty yards. The boys who were on the end of the boom, employed in hauling the mainmast out, aver that they could have thrown a stone to the spot where the shot struck.

As I understand the Packet called at Halifax, and therefore knew the situation of the two nations, it might have been expected that some delicacy would have been observed to our national sovereignty and to our pilots within its jurisdiction, but it appears that they are so anxious to be at it that all occasions a thought proper and used without ceremony.

My countrymen will make their own reflections upon this subject. Some may think that one shot fired, and that about fifty or a hundred yards off, is not very serious, and might from courtesy be passed over; while others recollecting the fate of Pierce, who fell by a random shot, may suppose this notice not sufficiently vindictive; to both be it said that I trust the time is not distant when this and other wrongs from the same quarter will find an opportunity to be nobly redressed. I have only to add my regret that any Pilot should be found to bring this ship in after having been informed of the above particulars. I am, Sir, &c. WASHINGTON, MORTON.

The Editor of the American Citizen.

Mr. Fulton's steam boat left the North River on Monday between one and two o'clock in the afternoon; at 10 o'clock in the evening she was opposite Tappan; between 12 and 3 o'clock on the following morning she was seen 6 miles beyond Newburgh, and at 6 o'clock she was seen by the Cornelia opposite Poughkeepsie; performing her voyage without wind, and in opposition to the wind and tide.

By a gentleman who arrived here in the British Packet, from Halifax, we are politely favored, with the following interesting intelligence.

"The Bellona, of 74 guns; Ethalion 44; Acasta, 44; Halifax, 22, Bermuda, 22; Observer, 18; Indian, of 22; were repaiting with the utmost dispatch.

"The La Ville de Milan, of 44 guns, loaded with water, was to sail for the Chesapeake on the 8th of Aug. and was to take under-convoys the late American brig Eutaw, also loaded with water.

"Sailed in co. with the Packet, the ship Orient, capt. Bray, of Marblehead, for Spain, part of her cargo consisting of India goods from Calcutta and exported from Marblehead, amounting to 16,000 dollars, had been condemned in consequence of a decree of the Judge of Halifax, "that all manufactures from the colonies of Great Britain, beyond the Cape of Good Hope, and imported into America, and exported from thence, would be confiscated, if found in with by his Majesty's ships of war." The Judge remarked, that it was with great diffidence he condemned the property, but would by all means recommend an appeal.

"The sch'r Margaret K. Bailey, Ferguson, of Philadelphia; brig Fair American, Brown of Baltimore; brig Henry Warren, of Boston, all laid over for further proof, and unable to procure security, therefore the property must remain. 10 per cent. charged on the Eutaw and cargo, was sold at auction, the Judge has his part.

"The crews of the brig Eutaw, Fair American, and sch'r Messenger of Baltimore, Orient of Marblehead, and Warren of Boston, were discharged by capt. Douglas at the request of the American captains; Also 15 more American seamen that were taken out of other vessels were also discharged, and subscription made up by the Americans to support them.—Also one man from the Indian sloop of war, who had been impressed and remained on board two years and three months, was also discharged by order of the Admiral.

150 men from the Bellona, were confined in the Hospital with the scurvy."

NORFOLK, August 18.

Sunday last was the great Festival Day in France. The Day of Napoleon.—It was kept

The French do not celebrate the birth day of their Sovereign, but celebrate the March on his Saint's Day—the former Kings were hoisted and placed on the Frigate of St. Louis—their presence on the day of St. Napoleon.

In great file on board the French frigate Zephyre, now in this port. She was superbly decorated all day, and handsomely illuminated all night—they fired three royal salutes of 21 guns each, and in the evening one of 17 guns for the United States, all of which were returned by Fort Norfolk.—The festival continued with unabated harmony and fervor from the morning of Sunday until yesterday morning. We have been favored with a translation of many of the Toasts, from which we select the following, given by Mons. SAIZIUX, Captain of the Cybele

The EMPEROR NAPOLEON the Great—the idol of all Frenchmen—the glory of mankind—May he live as long as honor permits, and be forever the object of his people's love, the terror of his enemies, and the admiration of the universe.

Mr. JEFFERSON—His Administration has been the "principle" of his Country's prosperity—it will also be the "moving power" of its glory—the honor and fidelity of the President, the patriotism and brave bravery of the Americans, render us secure of this event.

The EMPRESS JOSEPHINE and the Sovereigns, and Princes and Princesses of the Imperial Family—May they receive with as much goodness as we tender with pleasure, this tribute of veneration, attach ment, and respect.

The Army of 1800, known under the name of the GRAND FRENCH ARMY—GEN. US is at their head—HONOR dwells in their hearts—DEATH is in their hands, and their ENEMY is at their feet.

We find the Federal Gazette assiduously engaged, not only in an attempt to damp the military spirit of the country by endeavoring to persuade the people of America that a war would totally ruin us, and that the British would yield to our terms, but is attempting to misrepresent in the most scandalous manner the sentiments of republican writers on the subject. It denounces them as a "war faction" and enemies to peace. The course which the friends of the administration have pursued, however, is too broad and palpable to be mistaken, or successfully veiled by the artifices of an editorial novice. Republicans have, ever since the attack on the Chesapeake, invariably maintained—

1st. That Great Britain has been guilty of manifold injuries and outrages upon the neutral rights and commercial privileges of the United States, which injuries and outrages are good cause of war.

2d. But that war being an evil of great magnitude and always to be avoided whenever with honor it can be, the United States for the last time ought to demand satisfaction for the past and security for the future.

3d. That if this demand was not complied with, it would be necessary for the United States to take such measures as would compel Great Britain to yield to our just demands.

4th. And that as the crisis is peculiar and the event uncertain, the citizens of the United States ought to place themselves in a state of preparation to meet hostilities.

In commenting upon these points, the friends of the administration have adduced arguments to show that in a war with Britain this country had not so much to dread from the British as was generally imagined. Our resources have been scrutinized, our means of annoyance have been weighed, and the result has been pleasing to every patriot. These arguments, however, founded as they are upon the probability of a war, and not bought forward as an excitement to engage in hostilities, have been denounced as the manoeuvres of a "war faction, who will urge our government to hostility with or without cause." But surely those who have for years advocated peace with all their abilities; those who opposed John Adams's mad reign of terror; those who have invariably deprecated war measures, standing armies, navies, taxes, and so forth; are not now to have their character stolen from them by those very journals which have roared for war over and over again; which wished us to engage in hostilities with France and with Spain; which want ships of war and soldiers without number, and groan and lament over the reduction of the internal taxes, and ridicule the economy of the government. It may be emphatically said, that republicans are the friends of peace, of commerce, of agriculture, of manufactures; because they have always endeavored to prevent war, which is the scourge of them all. But they would not merit the name of republicans, nor that of men, if they could, like some of their antagonists, see their fellow-citizens impressed, their merchant ships and cargoes seized and condemned, their harbors blockaded, and their brethren murdered, and then in a cool, phlegmatic manner, call those "war hawks" who desire reparation and atonement and prepare to enforce their demands.

The Federal Gazette, thinks "a few hostile language is requisite" towards Great Britain. So think the Boston Gazette, Repository, and Centinel—and so think the Tories in Canada. Birds of a feather flock together, and men of analogous sentiments chime in with one another amazingly.

After hearing the Federal Gazette talk of "our love of peace," we expect to witness no more abuse of Mr. Jefferson's pacific policy from that quarter.

The following remarks on the partition of Poland are selected from a Scotch Reviewer.