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THURSDAY, SEPTEMBER 10 1807.

INTERESTING INTELLIGENCE.

HIGHLY IMPORTANT AND VERY LATE NEWS FROM EUROPE.

After our paper went to press last night, we were politely favored by the hand of David Hinckley, esq. with Liondon papers up to the 31st of July, and a Liverpool paper of August 1, brought by him in the Sally-Ann, captain · Glover, who arrived last evening, in 32 days from Liverpool.

The Sylvin cutter from Halifax, arrived at Portsmouth, 25th of July, with dispatches from Admiral Berkely, respecting the affair of the Chesapeake, and which reached London, the 20th (or 27th): Their contents were communicated by Mr. Canning, to Mr. Muuroe; and some friendly notes it is said passed between them. There was a general embargo from the 23d to the 31st July, to procure scamen; but the Wasp was released it is said, at the particular instance of Mr. Munioe, and sailed the 29th, as reported, for this country, with provisional arrangements wirich had been agreed apon between Mr. Mauroe and the British government, with a view of preventing a rupture between the two countries: We, however, learn, verbally, that some thought she was bound to the Mitterranenn. American newspaper and letter accounts had been published: The sensation which the news of the attack on the Chesapeake, and the reperied declings of the American public, made on the Euglish nation was great.

The m mutactners and muchants, and the Americans were much attemed; American credits were dopped; war supposed by some inevitable; and even privateers were preparing. But Mr Canning had assured the committees, thatit would not alter the situation of things between the two countries; and the chancellor of the exchequer in the home of commons, said the British government would not fail to make any atonement or reparation, which should-appear due on the occasion. The English papers generally cond-mucd Borkley; and it is said he is to be recalled.

HOUSE OF COMMONS, July 27. Mr. Whitbread wished to ask the right honorable the chancellar of the exchequer a question touching the niclancial, account ins dey.received in town, respecting the capture of the American frigate Chesapeake, which had excited such general and regretful sensation in the motropolis; whether any accounts had been received by his majesty's government relative to that transaction? -Whether it was with the privily or authority of our government at home, and if it was intouded to lay before the house any commu-

miration apon that subject?

The chancellor of the exchequer answered, " With respect to the question relative to what he too confidered a melarcholly event, the capture of the American frigate Chefapeake, by a British cruizer, he could only fay, as one of his majelly's mutillers, that he was not informed of any of the particulars of trat transaction, farther than by coramon rumour. is majetty's government, however, would leave no means un zerred to learn the particulars of this lamentable event, and to whom the circuit flance was jutily imputed; nor finuld they believe to make and atonement and reparation in their power That on a fair inquiry should appear to be due on the occasion.

BURR's TRIAL.

WEDNESDAY, Sept. 2. Mr. Hay wished to know whether

he understood the opinion of the court correctly, as to what would constitute an overtact of treason. According to his construction of that opinion, the evidence of the transactions at Blannerhassett's Island did not amount to an overtact. If so, it would be improper to proceed with the prosecution of Blannerhassett and Smith, on the indictments now found against them.-He certainly should not press upon the jury, doctrines in opposition to the opinion of the court; But should consider it his duty, to enter a-mole prosequi, and move to send them for trial to the place where the overt act was com-

The Chief Justice said that it was judoubtedly the opinion of the court, that the facts proven to have been committed at Blannerhassett's island did not and unt to an overt act of treason. But the court did not intend that their opinion should apply to the facts of amy particular case. They only meant to declare the law, leaving it to the ju-Ty to determine from the facts submitted to them, whether an overt act of treason hall been committed or not.

Mr. Hay observed, that he should enter a nole prosegui. as to Blannerhasand Smith, and move the court to commit them together with the person witho now stands before them indicted of a misdemeanor, in order that they may be sent to the place where the overtact was committed, if the court should be of opinion after hearing the evidence that it would be proper to do so. For trabis: purpose he moved that Blannerhabsett aud Smith be brought into Court Col Burr contended, that his ensit and that of Blannerhassett and Smuh was quite separate and distinct, and that the motion could not be blended. To hear them together would send to create confusion. He should Snuist that the motion against him be taken up separately. He should also consust that there, be, a specification of

to have been committed. Mr. Hay said, he did not know that he was bound to specify the place; but he had no objection to doing it as far as was in his power. It is said that Colonel Burravas at the mouth of Cumberland -there he was joined by Blannerhassett and Smith; and from thence descended the river with the forces which he had been collecting; their number of men and military accoutrements increasing till the moment when they were finally dispersed It will be in the power of the court to say after the evidence should be heard, whether they should be sent to another place for trial, and to what place. He confessed that he made the motion with a great deal of reluctance. He had pondered the subject very much; and it was the course which his conscience and a sense of duty prescribed. The form of the motion was objected to. -It was said that he had no right to blend the examination of the three persons accused. The propriety of this course must be obvious. Blannerhassett and Smith would not be bound by evidence which was not delivered in their presence. If a motion should be made separately, the evidence must be three times repeated.— It is supposed that much confusion will result from a joint examination. He did not expect to have heard such observations addressed to the court. However chaotic, however confused the case may be, the court will have no difficulty in separating the evidence and applying it to each person. But he believed the testimony would bear equally upon all; for they were all present if, however, it should be the pleasure of the court to hear the motions separately, he should acquiusce.

to. Burr remarked, that there would e non cossity to replat the testimony, because the court could recallect it and apply it to the case of each individual. Besides som evidence might be deemed nocess ity by some, which would not be by

Mr. Botts said, that Col. Burr, having gone through one trid for the whole treas, he shoot upon diff rent roun is from any one of the others Different, not oniy as it related to many legal questions, out to the evidence which might be adduced. When the evidence should be gone through, he expected that Mr. Hay's overt act would be to himself a subject of ridicule. Besides there were separate counsel retained for the several gentlemen; and the examination ought, as nearly as possible, to assume the shape of a final and regular trial.

Mr. Wickham observed, that Col. Burr had been tried for treason; and the jury had found a verdict of nor guilty. He was consequently entitled to his discharge, though he had not as yet moved for it.—He appears as any other innocent man, utiless something else should be exhibited, he could not with any digree of propriety be detained longer in castindy. Again; the scene of action laid by the counsel for the prosecution, embraces a range of filteen hundred mites. Suppose a man arrested by a warrant on suspicion of treason or felony. Would not the presecutions be compelled to designate some place where the crime was supposed to have been committed? Surely he

Chief Justice. With respect to the verdict not guilty, that is a question of law and not of fact. On the question of a general charge of treason or felony, I understand the law to be that the accusation may be brought against any individual; and it is the duty of the judge to enquire whether a crime has been committed against the United States. If the judge shall be of opinion that an offenc has been committed against the United States. If the judge shall be of opinion that an offence has been committed, but not within the jurisdiction of the court, it is the dury of the district judge to remove the accused to the district where the offence was committed. That a G. Jury may find a bill conjointly against several persons, he believed, there could be no don t; but he was not certain whether they could be tried together before the petit jury without their own consent. He was rather inclined to think that they could not.

Col. Burr said there could be no doubt but that there recould not be a joint trial without

consent of parties. The Chief Justice mentioned 2 difficulty which he did not know how the court could get over. Colonel Burr was now in custody of the marshal, and bound to antwer an indictment for a misdemeanor. He did not know how he could be taken out of that cultody and sent to a foreign jurisdiction for trial of another

Mr. Hay. I shall make the motion to the court, and leave it to the court to decide. Cnief Justice said he did not know how he

could do it. Mr. Hay. I know how to do it. When the court is called upon to decide, and the difficulty presents itself, I will remove it I do not expect to untie the knot, but I can

Mr. Wickham contended, that the difficulty should be removed in the first instance. Cel. Burr was now in cultody Mr. Hay opserved, that it was obvious the

question did not occur fill the court was called upon to transmit the accused. Then the difficulty will present itself and not before. Mr. Botts frid, the subjed presented two

questions, une to commit, and the other so transmit to a foreign court. Which was the molt regular in the order of proceedings i Surely the the proper process on an indictaent for milicommitment. Suppose Col. Burr had been demeasor of the kind charged against col. Burr J. dropped down to the Hook,

discharged from his profecution there ?. Mr. Wickham after making some observations as to the course of proceedings in this case, said, hat this might be sport to the government He would not fay it was death to Col. Burr; but it was death to every individual whom the government might think proper to persecute.

Chief Justice. - This court commits, the distrift judge transmits. But why commit for cultody? He is already in cuffody.

Mr. Hy The application to you, Sir, is to commit. If the diffrie judge should find any difficulty, upon enquiring into the circumstances, it will be rem ved.

Chief Juttice. The only doubt is whether this court i. not bound to hear the whole case before a decision is made. Suppose the motion had been made before the diffrict judge, might he not require a decision upon the prefent in distinct before he committed !- (After examining the law) The C. J. faid, that when a p rion was to be transmitted to a foreign court if the offence was badable, the court was to take a recognizance of bail. Now can the court take a recognizance to appear in another court who the party is bound to appear in this?

his court is bound to fpec fy the court to which the took ed is to be font; and the districk judge is knied to send him. Mr. Blannernufeit and M.. Smith were

b ought into court by the Marthal. Mr Hay obte ved, that the three persons before the court, all thood in the same inuatio s a d the same histority applied to all. He regretted that the court had not expressed an omnion bei re the powners and been fent for-He was not diffici d to difturb he opinions of the court : but wost i go on with the trial for a mildemeanor againtt Col Burr.

The clerk was about to read the indicement for a m idemeanor, when he was interiupted by C.1 Burr, who fad he was not to be ar raighed but might plead by reterney. He fold that he was not in court upon that indistment. He was only in court because he had not moved to be ducharged frem the first undichment. II hoped that nothing which had pailed would prevent a tell confideration of this subject. In this cafe he wilhed to ke up certain land marks by which offers might be guided, who were to foll w; and he readd there would be many.

Mr. Wirt compared as to the edger of the proclamation a ... ich was made by the ma livil a ter the jury had returned their vord & The uical courie was, (an, the one which had b enadopted in this case) for the other to make proclamation if my perfen "knew of a y " treat ins, telonies, or other miliemeadors " committed or done by the priloner as the har, " let them come forth and they thall be heard "The pritiner at the our flands upon his " denverance," that s, his discourge.

Mr. Hay. It was a first dijected that Col Burr was in clutody, and therefore he could not be transmitted to any o her court. We are non told that he is not in cuit dy.

Mr Borts went into a lengthy argument to prove that all a ug. of Bur was to pready p elent, he was not egally in court. it moduced a number of precedents toom he is a ird. of the general court of this date, as well as of the federal court, to thew take it er as all ciment for a milde memor, the regular process was a summent, and for a capital by which the body could be arrested. The relief particularly on the opinion of judge Ir delt pronounced in Mundell's cite, in waten he confidered the proclice of the na c courts as ad pred far ugaout by he judicial att of Congress, and on the practice in Sincian scale which was a prevention under this very set. - In the latter cate, the

procets was a tu nmons. Col. Burr obieived, that his counsel considered it a question of policy aut to move for ris discharge immediately. In Submitting to give bail as to the m idemeanor in the neit inflance, it was nevernis intention to autmit the rig it to

demand it. The Chief Justice said, that he had determined, in the first innance that bail was de ma dabie, without carideries the fusject fuily He thought the law was clear. But h. was open to conviction He did not think himieti precluded from a full examination of its pro-

Mr. Hay faid, he was not folicitous as to the refult of the motion. The question now wa., whether the pritoner should appear to the ind.Ament for a milderreanor withou vill.-Whenever a motion incula be made to dicharge him altogemer, he thould object to it, on the ground dat treaton had been committed eilewhere. He relied upon the all of Congrets, which laid, that for any crime or offence against the United States the pritoner apon an arreit should be committed or give bail. He also relied upon the practice of tais court in the cafe of Logwood. He had no doubt as to the appication of the law of Congrel's to the practice of the state courts in civil cases. His only doubts were whether it applied to cr minal

Mr. Wickham confidered that the act of congress declaring that the usual mode of process of the feveral frates in criminal cufes should be adopted. was conclutive upon this question. - The act of Congress nxes the punishment, but the proceedings are to be according to the laws of heleveral states. He had no objection to state the motives which governed the counsel of Col Lurr, in submitting to bail as to the misdemeanor. Such was the infatuation of the public mind, that if the grand jury had not found a true bill as to the treaten, it was believed that Col Burr would have been taken with or without procets aid i'nt to some other place. He there ore gave bail as to the misdeme..nor, in order that he might be under the protection of the court.

The Chief Juit ce laid, that when he gave his opinion on the quellion of entering into an examination of evidence with a view to lend the accused to Cumberiand or to some other place, it was predicated on the idea that he was actually confined by the process of this court. The precedents of this court which have been quoted, seem to settle the practice very differently from my ideas of the law of Congrets, in relation to criminal pr fecutions. The queltien deferves confideration; and if I should be of opinion that I am bound by those precedents heathe foundation on which I gave m, opinion fai's.

Mr. Hay-enquired, where would be the propriety of illining a process to bring a person into court who was already before it.

The Chief Justice said, that if a capias should be determined to be the proper proceis, he should consider the state of the party as fufficient, and might direct the marthal to take him into cultody; but if a lummons should be confidered the regular process, he could not make tuch an order; and a cenire muit b: awarded. If a venire iffues, it will inv lve a quellion, whether the party is not entitled to a Continuance.

The court took time to confider, and adjourn. ed till to morrow, to o'clock.

THERSDAY, September 3rd. The Chief Judice delivered zis opinion as to

in cultiday, and bound to answer in another I the result of which was, after examining the court-Could this court ast up in him till he was I laws of Congress and reviewing all the precedents, that the regular process was a capias

As foon as this op nion was delivered, Mr. Hay observed that he would then proceed to the trial of the indictment-for the mildemeanor .- C Jus. The iffue mutt be made up, I suppose -Mr Burr. A letter has been demanded from the President of the U. S. which has been often promifed, but never produced. I wish to know if that letter is in court, and whether it cannot be put into the hands of the clerk.—Mr. Hay. I believe that it is not in my possession, for I have not been able to find it among my papers after a minute fearch It is possible that it may be among them Perhaps it may not be necessary to produce it, as there is a copy of it which is ready to be ve rine by the oath of more than one person -Mr. Burr. I cannot admit a copy. It is certainly flrange, that after the President's promise, this letter is not here. Mr Martin. It is within my knowledge, that Mr. Rodney has been to the city of Washington since, the application was made for this paper. Mr. Hay. have made a minute se irch, among the large bundles of papers which Mr. Rodney has trans mitted to me but I have not yet found it. Gen Wilkinson has a copy of the letter verified on oath.-C Jus. Unless the loss of the original be proved, a copy cannot be admitted.

Mr. Burr then observed that he should now call the attention of the court to the subject of Bail; as the opinion just delivered by the court demands bail; that since ball was demanded of him on a forever occasion, circumstances had considerably varied, and some had occurred which ought to mitigate the amount of bail : that it was uselel's for him to mention those encumitances as they were well known, and it would consequently be underthood that he was not as able to give as much bail; that it flight ails be recollected, that the profecution for treason had tailed; and that under such circum flances he conceived that half the fum was was femanded on a former occasion was tufficient for the prefent.

Mr. Botts repeated the same idea. He ob feeved that in this country the flate of a man's property was a criterion for me am un of bail. nd that it could not be expected that a mat. of no property should give high ball. Col. Buir's circumftance, were well known.

Mr. Hay differed in one relie of from the opprite counten. Col. B. hat cer ainty been ac quitted on the charge of treaton, can it was not aitte a full caribicion of the avidence. A fraul portion indeed nad been produced; but the greatell part of the most interesting evidence had been exempted. It was proper that the charge for treaton should be fully anything and I me there is the rate Realutty. Lettere or the Mil dsippi Territory; and the Mr. Bart's perfon should be kept faf until Le hent if could have an opportunity for moving the nes communent, which he mould cer andy do, as foon as the trial for the mildeneaupr would permit him.

Mr Wickham hoped that bail would not be taken in reference to a future mori in. Cal. i. bas ir en 'i-d and acquired And what has been proved with respect to the misdemeanor? No hing that was done in the mate of Virgi-

ofr Bottshoped a hen this motion was made that in court would lee in it an attempt most mar. mg, and hey would e mider it as a germ which it not crushed in ten, would nerediter grow up to the extreme dang roof the rights and liberties of American ci izent. It was bell how ver to lay at this time as little about it as pollivie .- Ine gover ment had lelected a par, cu ir place for C.I. Bart's trial; and from the luc. ets of this protecution, the court will easily argue the fate of those which might come at er. As to the motion which was menaced by Mr. H.y. it would not be torgotten that inquells had been a seady hold on thele acts in Kentucky and rendifie

The Chief juilice obterved, that in demanding bail on the prefent occasion, he would no. mak any reference to any cha ge which any be made hereaf er-that on the former occasion he had not taken into view the charge of treat fon, for ought he to do it on the pielen, occasion; that he thought and does Rill think that his former sail was a very high lum, for to bail any man in a tum fix times higher than the fine to which the punishm in of hat offence could fubjed him, was certainly a high fum particular ly in a country wh I confliction torbids the exaction of excessive bail; but that he was dispised on that occasion to r quire as high abail as he could reconcile with his ideas of propriety. Circumstances however had varied since that occasion. De its of a civil nature had come against the accused, which would necessarily increase the diffi ulty of his giving bail. Under ail those considerations he thould be content with the sum of 5000 dollars.

Mr. Wirt suggested, whether the taking of bail would not entangie the prosecution in their mo.ion for commitment; and whither this motion could not be heard before the present measure was adopted-Would not this recognizance impede the motion for commit

The C. Jus. observed, that the court could not hear such a motion at prefent. They could hear it at any time, if the counsel for the prosecution would get rid of the trial for misdemeanor For so long as Mr. Burr was bound by his recognizance, he himself could not take him out of the possession of the court to send him to another court for trial.

Mr. Wirt. Is the court then prepared to say, that after a man is bailed for an inferior offence he is exempt from any motion to commit him for a higher offence? will not such a motion operate to exonerate him from his recogni-

C. J. The court have no right to hear such a

(To be continued.)

NEW-YORK, September 7:

John Bateman, a native of Newark, in New Jersey, was pressed out of the brig Ulysses on her passage from this port to Demerara, and is now on board the British sigare Jalon at the quarintine ground, with thirteen other impreffed

Americans. Capta ii Cochrane, the commander of the Jason, came up to town on Salurday morning in his barge, secompanied by two officers and eight seamen While the boat lay in shore six of the seamen jumped out of her, and effected their escape, to the no little attonishment of the

remainder of the party. About 9 o'clock on Saturday morning the pilot boat Brothers, with the cultom house officers on board, was decained by an arme boay from the British brig Columbine, how in the bay, and had the crew examined on pre tence of searching for one of the brig's men, who it was faid had definted. "He was not found. The Brothers was threatened with being fired at if the thould anchor a feound time too near the Culumbine.

The same beig in the bay fired at, brought to, and boarded one of the gun-boats from the eastward, on a limitar pretence.

. Yellerday afternoon the British frigate Jason, got under way from the querantine ground and

On Thursday evening-lak, a seaman was picked up at fea, three miles below the light. boule, by a priot boat. His flory is, that he had been impressed on board the Calumbin :, 2 Britith armed vessel, which is lying within the Horle Shoe; that he determined to make his escape; and waited till usk, when he supposed the tide would favor his eleape to shore .. He unfortunately millook the tim of title and was carried out to fea, where he would have shortly perished, had not a pilot bout been near, whose men, on hearing a voice crying for jaffiftance, flood for the place from which the found proceeded, and releued the unfortunate man from a watery g.ave.

How to measure the contents of any pipe by a very really merbout.

Square the diameter in inches, and the product will be the number of pounds of wat r in every yard length of the pipe. Or if the last figure be cut if or confidered as a decimal, the remaining figures will give the alegallons in a Ex ract of a letter from a gentleman in Baravia,

to his friend in Providence, dated April 8. "The English having lately dellroyed nearly all the Duich naval force that was here, the -Malay pirates have become very troublefome on the coast of Java: - The company have, within a few days patt, purchased a Danish armed brig, which has gone in pursuit of them."

The Collector of this port has published the following notice .-

CUSTOM HOUSE, NEW YORK.

Collector's Office, Sept 5, 1307. The President's Proclamation, having interdided all communication and intercourse between the citizens of the Unite i States and, the ships of war of his Bri ainic majefly; ale persons are hereby notified, that the penalties incurred -y a breach of the faid, proclamation will be rigorality enforced

DAVID GELSTON, C liestor:

PHIL ADELPHILA, September 8. Extrast of a letter from the sal ereal et of an American vessel to his every in this city, dated Cayenne, John 31, 15 7

" We were becaused out his harbor by the Englith finga e Ches, ca; the got, and treato twith the arm standing a year made use of every threat he could corse to drive us array, and said he was blockaring the port, and that if we attempted to g in he would some versel, and thould every damied wood at is so gasping in the water for beath, a wait. not let a box pick one of us up AV however on his objecting to endorse the reguler, he new refused to go eway, notwithdand so the repeared melfages he sent us, with threats of all kinds annexed to them; after being detained ad hours, tending ourse ves a sagrecably himated, I wrote him alever, saying, that we neither e tild nor would change the definiation of the veli i except from firee, and that it is did not allow us to proceed on our voluge, or and rethe register to show that the par was bi cka led, we thould confider the vessel and cargo rize to hun. I also observed o him, hat our voyage would even unly benefit are country? more than it would its eachn s, as the whole of our nomeward cargo would confit of anicles of particular consumption in England, and was solely intended for that market. He s ne word back mat on hat confideration only he would suffer us to go in."

CHEVALIE DE FORONDA,

His Catholic Majesty's Charge des Affaires and Consul General to the United States, itforms the Merchants, that the gover.ment of the province of Caraccas, agreeably to his Majours's orders, has prohibited the importation of Fi.OUR in neutral vessels, except in certain cases; reserving to itlelf the right to determine on its admission as circumitances may

American,

Commercial Daily Advertiser.

THURSDAY, SEPTEMBER 10, 18c7.

The foreign news which appears in to day's paper for the benefit of our country readers, was yelt-rday itsued from this office in an extra theet to city subscribers.

A questi n. - Are actions or words the test of a government's intention: ? When this is solved. we may inquire whether the conduct of Britist naval officers on the American station, since the affair of the Leopard, or the talk of my lord Chance for and the assurance of master Canning, are to be received as an index which points to the true souse of the British government! We ask for information.

The paragraph in yesterday's paper announcing the arrival of the President in this city was founded in mistake. We stated the fact on the authority of the Evening Post. The President has not arrived.

We have received news from Richmond. The judge's opinion, which led to Burr's escape, is very long indeed, so that we cannot euter upon the publication immediately. We shall prefer laying the posterior proceedings before the public first. A great deal of strange and extraordinary manœuvring has taken place before the court by Burr's counsel. The counsel for the United States have relolved to move for his commitment on a charge of treason, for an evert aft at a place different from Blannerhasset's illand. Blannerhasset escapes present prosecution for treason under the same opinion, that lets Burr off. Burr's trial for mildemeanor was to proceed on Minday last.

FROM LIVERPOOL, July 13.

By recent accounts from the Continent, we learn that several engagements took place between the opposed armies, about the middle of last month; that the Ruthans occasionally gained some little advantages, but that the French were ultimately victorious. An Armistice had been concluded, and it is confidently afferted that the preliminaries of peace between Russia and France were figned on the 29th ult. Prussia is included in the armistice, and, it is understood, will commence pacific negociations separately. These occurrences have thrown an unprecedented gloom over the commerce of this country, as it is generally apprehended that our interconfe with the Continent will thus be rendered more limited than heretofore, as no effectual opposition can now be made to the views of France. .. It was reported a few days since, that Denmark had determined on thurting the Sound to the British flag: but by subsequent accounts, it appears that is not the

Sugar, &c .- The demand for Colonial produce, for exporation has wholly cealed; the prices are rendered nominal pand as large supplies are now arriving, it is extremely probuble that the value of many articles will be fill farther reduced. Mahogany and Drewoods are quire unsaisable and it is impossible to con-

ach stracentric into or fuelt and.