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LATEST FOREIGN NEWS.

[BY AN ARRIVAL AT BOSTON.]

The terms of the treaty of peace have not yet transpired officially, but it should seem as if no intention were entertained of wresting Silesia from the King of Prussia.

ALTONA, July 22. The following says a private letter, you may depend upon it, is the substance of the conditions of the Treaty between France, and Russia, and Prussia—

"Russia will not lose any thing, and no concessions are demanded from Austria."

"There is to be no Kingdom in Poland; but Warsaw, and a district round it of about 50 or 60 miles, is to be erected into a Duchy. Jerome Bonaparte is spoken of as the new Duke."

"Prussia is to lose all her territories on this side the Elbe; and Westphalia and Hanover will, it is supposed, be erected into a kingdom, of which Jerome Bonaparte will be King, as Duke of Poland."

"Dantzic is to be a free Hanse Town."

DRESDEN, July 15. Prince Jerome is expected here this day from Silesia, and the celebrated Royal Palace in this place is fitted up for his reception. His Royal Majesty leaves his Capital to-morrow to meet the Emperor Napoleon at Badens. Besides the French Emperor, the Emperor of Russia, the King of Bavaria, and other Princes, are also expected here. According to other accounts the Emperor of Russia is gone to Petersburg. Our town will be very brilliant.

[Private Letter.]

The following are said to be the fundamental stipulations of the peace concluded between Russia and France—

1. The boundaries of the Duchy of Warsaw shall be determined as well as

2. That the territory of the Free Hanse Town of Dantzic; the latter are to be marked two miles round the Town by the French, Dantzic, Ansonian, and Prussian arms

3. The boundaries of the Kingdom of Westphalia shall also be defined.

4. Silesia shall be evacuated by the French troops on the 20th July, and

5. Königsberg the 25th July.

6. Before the 1st August, East Prussia, as far as the Pillage.

7. Before the 20th, as far as the Vidula.

8. Before the 5th September, as far as the Oder; and,

9. All other royal Prussian Dominions, as far as the Oder, as well as Silesia, by the 1st October.

10. The Province of Magdeburgh on the right of the Elbe, Palewask, and Prenzlau, shall not be evacuated until the 1st of November.

11. With regard to Stettin, the time of its evacuation shall be determined by the Plenipotentiaries until the evacuation it shall be occupied by 6000 French troops.

12. Spandau Castle, all the fortresses in Silesia shall be surrendered to the Prussians on the 1st October.

All other points yet to be arranged shall be settled by the Plenipotentiaries to be appointed by both Contracting Parties, who are to meet at Berlin on the 25th of July. The revenue of His Prussian Majesty from the 13th of July, on condition that the contribution demanded be paid to the French.

WARSAW, July 19. There is talk of a confederation of the North to be established under the protection of Russia; of indemnification of several German Princes in the North; of the extension of the Confederation of the Elbe; &c. It is also said that the Kingdom of Poland will be re-constituted and given to a French Prince; and that Russia will engage to renounce forever all authority over Moldavia, Wallachia and several other neighboring Turkish Provinces.

WARSAW, July 14. We learn that the French will not leave Germany till a peace shall have been concluded with England.

WARSAW, July 13. All the persons in the train of the Prince of Bismarck (M. Talleyrand) have left this city for Dresden, where it is said Congress will be held for the conclusion of a general peace. This report, however, requires confirmation.

MAGDEBURG, July 16. A courier who passed through this city with the usual speed, carries orders to Paris to prepare every thing for the reception of His Majesty the Emperor, who expects to arrive there on the 1st of August. His Imperial Majesty has left Tilsit, and is going to Dresden where he is expected.

LONDON ARTICLES. July 26.—Bonaparte is fixed to have arrived at Königsberg on the 14th, from whence he was to proceed to Berlin, and thence by way of Dresden and Meitz to Paris. The Emperor Alexander and the King of Prussia remained at Tilsit, but it is said, that both Emperors had promised to visit Napoleon at Paris.

The French are stated to have lost between 30 and 40,000 men in the battle of Friedland.

The embargo which is laid on for eight days for the purpose of obtaining seamen; was taken off this morning in the port of London. We should suppose, from this, that the Expedition had failed.

Lord Cathcart passed the sound on the 14th and proceeded direct to Stralsund.

Some of the German Papers state, that the Emperor of Russia is gone back to Petersburg. The King of Sweden, is said to have applied for an armistice, and to have expressed a desire to enter into negotiations for peace: but Bonaparte replied that he must have a guarantee, and that that guarantee must be the placing Stralsund in British hands.—The French are under the walls of Stralsund.

There are reports of a Confederation in the North, and of the extension of the Rhenish Confederacy to the Elbe.

An engagement has taken place between the Russian and Turkish squadrons off the island of Tencos; and we suspect to the disadvantage of the latter.

It is reported, that a successor to the Hon. Admiral Berkeley, will immediately set out to the American Station. He, however, is to take with him a formidable augmentation to our naval force on that station.

LIVERPOOL, Aug. 1, 1807. The intelligence received this week from the East of America, has excited a great degree of agitation in all parts of the nation, and especially in the commercial towns. It is certain that no accident could be more perverse or all-timed. At all events it may tend to bring to a speedy decision the existing dispute on which the two nations are now at issue. The "right of search" is supposed to be the great stumbling block which caused the rejection of the treaty by Mr. Jefferson, and it is a point on which the two nations are supposed to be equally pertinacious.

Some hopes are now entertained that this affair will not inevitably lead to hostilities. If Capt. H. employs proceeded on the positive instructions of our Government, we should despair of seeing the dispute amicably accommodated; but it is clear from the expressions of Mr. Percival in the House of Commons, that this was not the case.

FROM THE AURORA.

THE NEWS OF EUROPE.

Unless it is that we can safely infer from the issue of the battle of Friedland, that a peace must have been supplicated by Russia and Prussia, there is very little in the advices from the European continent upon which any reliance can be placed.

The various and contradictory accounts are so incompatible with each other, and with sound policy, that we can place no dependence on them. We believe indeed that the only fact given which may be depended on, is that the French troops will not cross the Vistula, Oder, Elbe, or Rhine, until the peace is completely settled in Europe, and the freedom of the seas acknowledged.

Bonaparte will not forget the *uti possidetis*; and the use made of the moderation which he displayed after the battle of Austerlitz, will not render him very well disposed to leave an opening for another coalition.

With regard to the affairs of Poland, we can venture to say the public are not well informed in any respect, through the newspapers. The circumstances of that country—the disposition of the chiefs—and the dispositions to be made of proposed are alike unknown in newspaper intelligence. At a future day, we shall offer some notices on this particular subject; at present we can venture to assume as a principle, that Bonaparte will not abandon without good cause, a country like Poland, which is to the possessor who has skill, like a fortress, which on its four sides, keeps in check the power of Russia, Austria, and Prussia, and Turkey, which holds the keys to each, and which besting gives him the command of some of the finest cavalry in Europe, possesses him of the best country in Europe for grain, black cattle, and horses, and which furnishes seventeen twentieths of the Baltic exports.

A northern confederation we undertake to say will not be suffered to be formed, unless in conjunction with the Rhenish.

Silesia being a catholic country and a manufacturing country, we may safely presume will not be returned to Prussia. Nor will Dantzic be restored to the freedom of the Hanse since it has been already placed in the hands of one of Bonaparte's most esteemed and respectable generals and favorites.

As to the general and special details of a treaty, which is to form the future basis of continental arrangements, it is clear that they must be the result of ulterior deliberations—and that those deliberations will be conducted, regulated, and determined, by the interests and policy of the victor—every thing must yield to those interests; and whatever may directly tend to affect those interests, we may safely conclude has not, cannot, and will not be received, or enter into the new distribution of European policy.

ARE WE TO BE DUPED AGAIN?

The news of the day, is as we predicted several days ago—that new delusions, perhaps toasts or curds of etiquette to our diplomatic agents, would be played off as soon as the state of the affairs in the north of Europe should be decided—our anticipations are now realized. We have advice of Mr. Canning, the memorable toast maker's canting; and the most important question for the American people now to consider is, whether we shall or shall not be duped again by British professions and policies, after so many outrages and insults, wrongs, robberies, oppressions, and breaches of faith?

It has been an unfortunate event for Great Britain, that her enemy has by her victories been enabled to carry back upon herself every principle of a tyrannical character, every arbitrary assumption of new doctrines inimical to the law of nations. It is ever the fate of fraud to feel the recoil of its own artifices.—During the whole progress of the war since 1793, it has been the fate and fortune of England to prepare the means and precedents which must ultimately prove her ruin. The battles of Austerlitz, Jena, and Friedland, have frustrated the schemes and annihilated the hopes of "the world's disturber" on the continent of Europe. The coalitions of Pillnitz, and of London have been the guide and precedents for the confederation of the Rhine; the meditated partition of France has been the precedent for the partition of Austrian Germany, Hanover, and Prussia, and Westphalia; and the repeated efforts to form an universal coalition against France, will now be the precedent for forming a coalition of all Europe against "the world's disturber."

The same arguments which were employed for the formation of the several coalitions will be used for this inversion of the primitive design. The differences most prominent between the two situations and their consequences will be found in their motives and effects—the motives which France will have to assign will be the fact that she has been compelled to act on the defensive—and to conquer those who aimed to destroy her; the effect will be, that the measures which must result from the triumphs of France, and the overthrow of all the coalitions will be to restore sound principles which were destroyed by the English policy, and to reform and permanently establish principles of universal law which are more congenial with the civilization of the age and the rights of all nations.

Now, among other most prominent acts of piracy and injustice, which have been committed by Great Britain, the usurpations and plunders committed under the great latitude of the assumed right of search. This assumed power will now be decided upon, it will be employed against Great Britain, or it will be regulated in advance by a general association of the powers of Europe in union with France. We can assert with positive certainty, that on that point the whole of the principle of the armistice of 1789, the emperor Alexander of Russia is decisively and avowedly in favor of the establishment of the right of freedom of the ocean, and hostile to the doctrine and assumptions of the British government on the sovereignty of the ocean.

Should not Great Britain at once abandon her insolent practices and pretensions as a voluntary act of safety and security: the first measure of an European coalition will be to subject every nation of the world who submits to the dictation of England, to the operation of the British principles in relation to other nations. On the commerce of every nation trading in Britain, who is it not unite in enforcing from the government of Britain an acknowledgment of the complete freedom of the seas—the British principles will be enforced.—This will be but the natural progression from the proclamation of blockade of 21st November, 1805.

Ever since the year 1793 the British government have with the most unqualified tyranny and wanton insolence, detained every vessel, and proceeded to acts of rapacity and outrage, under the abuse of the right of search, the corruption of the ministers at Vienna, at Berlin, at Petersburg, at Stockholm, and other subordinate powers; the assassination of Paul of Russia, and the attack upon Copenhagen, completed what the maritime tyranny on the ocean had prepared. The battles of the Nile and Trafalgar, served to confound those nations, who had therefore assumed influence in maritime affairs—but it is a melancholy fact, that the abandonment of the rights of neutrals by the infamous treaty of Jay—and by the congenially infamous treaty of Berlin, tended more to the shame and humiliation of independent nations, than all those consequences which followed as acts of necessity from the control of battle and force.

Better counsels and more happy auspices have refused America from the reproach though not from the evils of British usurpations on the ocean. As soon as British influence had overrated its part, and ceased to direct our counsels and distract our country; when the awakened indignation of the people exiled from power those who had disgraced their government and sacrificed the rights of all free nations; wiser men and legitimate principles assumed their proper place in our policy; and we are now placed by that wisdom in that national and honorable position, which is congenial with freedom and the rights and interests of free nations. Our administration, acting in accord with those animated principles which established our national independence, and which comprehend the sum and substance of all human rights, have constantly adhered to those sacred principles—and we stand now in a position consistent with our national character, form of government, the universal interests of nations, and our own peace and prosperity.

These considerations we wish much to impress upon the minds of American merchants—and that they may be prepared in time to meet a temporary suspension of commerce at least; that they may not be deceived by partial concessions and hypocritical apologies from British ministers. That they may not be deceived by a disavowal of Berkeley's orders being made after the battle of Friedland; nor deluded into all sorts of measures by professions, while at the very moment they are made, our laws are disregarded, our territory violated, our citizens in bondage, our property

captured unrelieved, and the emissaries of Britain at their very moment, aspersing our government, secretly fomenting treason, supplying traitors against our government, our union and our peace, within our land.

Let not Americans confide where they have been so often deceived; let full, ample, and exact justice be done, before we place ourselves in a situation to be again deceived. Above all, let them weigh the effect of those vindications and justifications of the powers of search exercised by the British. We repeat it again—the power of search, if it be admitted as a right, must be a common right, a right which every government possessing power may exercise equally with any other power. If it is the right of Britain to seize, carry into port, plunder, sequestrate or condemn vessels of neutrals upon mere orders of council, and by adjudications the principles of which are to be found only in the decrees of the British privy council—then it will also be equally a right of France to seize and condemn upon arrests or proclamations regulating the law upon its particular principles of policy and convenience.

France has fifteen years practice and a large body of argument in the way of consent, in pursuing such a system of reciprocity.

It is a matter therefore of serious moment to the real American merchant, what they will have to do—what they ought—and at length it must be for the battle of Friedland has placed the situation of the world upon a new basis—the powers and influence of our negotiators in England are totally altered, or rather they are augmented and reinforced by that event, for they are no longer negotiating for fulfilled and expected America, they are not supplicating redress for the past only, they are from the very nature of the case negotiators in common with all Europe for the rights of free commerce—for the security of the flag from unrighteous seizure—for the freedom and independence of the ocean—for principles in which no people can care more than the American people—no class of men more than American merchants, are deeply interested.

We must then look now not to an exclusive negotiation, deception and subterfuge and a compromise which will not leave America now our rights as engaged in those of the universe, and American rights are to be lost, that we must maintain them upon common principles, and cannot abandon any vital principle, a common cause with the members of the world, since if our negotiators were to negotiate for less than the whole of neutral rights, the general peace would establish the whole right of free navigation.

Let it be generally recd. that a third British embassy in a new cloak just after the battle of Austerlitz published and declared, that were it not that Britain, England would have refused to negotiate with France on any other terms, it is not to be forgotten that the battle of Friedland placed them in a position where they might have done as they pleased, and that we might have seen the realization of that menace, which the battle of Austerlitz had before frustrated.

The events of the present era, are auspicious to the happy fortunes of our country—the wisdom of our government by anticipating the events, has prepared us for the happy destiny which the limited influence of Great Britain had nearly blasted and disgraced.—The approaching closing era will have to perform a wide and magnificent part—it will have to discard the influence of faction and those secret machinations which by producing combinations in individual persons of ambition or self, are often employed by foreign corruption, as insinuating means to distract public councils, and minister to national dishonor & misfortune. Our present conduct with this respect we shall have to speak very particularly on the approach of congress.

BURR'S TRIAL.

[Continuation of the Proceedings on Thursday, Sept. 14.]

Mr. Wirt. I mean no disrespect to the court; but they will permit me to enquire, whether a man if bound only for 5000 dollars, is thereby exonerated in any responsibility for the perpetration of some serious crime; such as murder or treason. Does not such a doctrine hold out the chance of impunity to every man that is charged with a capital offence?

Ch. Jus. Does not this inconvenience arise from your placing yourselves in the situation?—Mr. Martin. The counsel may be very good if it is difficulty by entering a *Non Prosequi* to the indictment for the misdemeanor.

Mr. Wirt. This subject is really important in a national point of view. Suppose that this man should go into the district and perpetrate some heinous offence such as murder or treason, is there no means of holding him in confinement for his trial? Is the exigency in which he is now to be bound, to exonerate him from all responsibility?

Mr. Burr observed, that the gentleman should state an analogous case, such as the present; of levying war, where two indictments grew out of the same act. Let the attorney enter a *Non Prosequi* and he may then proceed to his motion for commitment.

Mr. Hay suggested a method for removing the difficulty. He wished to remove Mr. Burr for his trial to another district. Most of the witnesses have been here for a long time and he wished to dismiss them as soon as possible. Let the court then hear this motion; if after the evidence is produced, and not till then does the difficulty occur, he cannot be removed under existing circumstances, the counsel for the prosecution would then enter an *Exonerate*, or waive the necessity of his appearance altogether.

Mr. Botts objected to this method of bargaining with the court, that "they will exonerate, if the court would only commit." Who occasioned the misdemeanor have grown. Can the counsel for the prosecution make offences out of one the present difficulty? Nor the court but the counsel for the prosecution. Was this difficulty a misdemeanor or a necessary fact? If so, he may make 3000. If a man be acquitted on this indictment, he might be indicted for a riot; he might be indicted for every man's life who falls in the war; he might be indicted for an unlawful assemblage. There is no merit then in this duplicate prosecution; there is no fairness in these multiplying offences.

A long and desultory conversation on this subject ensued, when the Ch. Jus. observed that he was disposed to give it a more serious consideration.

Mr. Wirt. This question is not so optional with us, as the court may conceive. The accused may move for a continuance of the cause; and I consider his mention of a letter as the harbinger of such a motion.

Ch. Jus. If I do continue this cause, I will consider on the propriety of granting the motion for a commitment, after the merits of that motion have been opened.

Mr. Burr. Shall they cut up this fact into two offences? It is objection to be thus giving

to many faces to one offence; particularly after they have been so completely baffled in one of their prosecutions.

Mr. Wirt. If we give two different faces to this prosecution, it is because he has given to many faces to his transactions. It is because he was looking at the same time to the North as well as to the South; and while projecting a central revolution; was meditating an invasion to Mexico. As to our being baffled in the other prosecution, it was not from the want of evidence, but from his escaping under the shelter of the law. We have thought as the Grand Jury did, and as the most illuminated men in the State have done, we have been misled by that very interpretation of the opinion of the Supreme court, which almost every man in the State would have given.

Mr. Botts was going to shew on a previous occasion, that it was impossible to make two charges out of one overt act; but Mr. Wirt now says that it is because the act itself has two faces. But is there any act which may not have two faces?—Gentlemen are misled by a species of fatalism against Col. Burr; and it will be in our power hereafter to demonstrate that we are directed by a regard to the rights and liberties of the people.

Mr. Burr then observed that he had lately discovered that a letter of Gen. Wilkinson's of 12th of Nov. was material to his defence. He had made an affidavit to that effect.

Mr. Hay observed that he had that letter, but he would beg leave to state, that in Gen. W's letters there was a great deal of matter which ought not to be made public; among the rest several allusions upon certain characters in the Western country, which were freely imparted to the government, in the strictest confidence. Would it not be better to trust the court with the selection of such parts as it might deem necessary to the defence of the accused?

Mr. Martin. Are we to have a secret tribunal? Let the argument be in writing.

Mr. Hay then proposed to submit affidavits to the court, and to Mr. Burr's counsel, Mr. Martin, Mr. Botts, or Mr. Wirt, to be sworn to, and to be read in open court, and to be subject to the cross-examination of the other party. It was then proposed that the court were to decide.

Mr. Burr's counsel objected to this proposal, saying that which was not admitted to their clients.

The bill was waved for the present, on Mr. Burr's suggesting that the proposed affidavits should be made to some of the judges on the 15th of the month.

Ch. Jus. deputed the case to be argued on the 15th of the month, if the defendant for a misdemeanor, would allow of Col. Burr should be ready.

Ch. Jus. was declared by the court to be discharged to the defendant for Treason.

Gen. Wilkinson's counsel appeared in court; and Mr. Wirt observed, that if it was the pleasure of the court to proceed upon the indictment for Treason, found against general Dayton, some steps would be necessary preparatory to a trial.

Mr. Hay said that after the decision of the court upon the doctrine of Treason, he did not see the propriety of incurring the expense and trouble of a trial; especially as he did not know of any act charged against him which would amount to treason, under that decision. He therefore thought it his most correct course to enter a *non prosequi* as to that indictment, which was accordingly done.

Mr. Wirt then, as attorney for general Dayton, pleaded *not guilty* to the indictment for a misdemeanor.

FRIDAY, 4th Sept. The proceedings of this day commenced with an application on the part of Aaron Burr for the production of an original letter from Gen. Wilkinson to the president of the U. S. dated the 12th of Nov. 1806, which letter was in the possession of Mr. Hay, the attorney for the U. S. The President having confided to Mr. Hay the discretion of holding such parts of the said letter as were of a confidential nature, he refused to exhibit the whole of it in evidence. A *Subpoena Duces Tecum* was thereupon awarded, returnable immediately, commanding Mr. Hay to produce the letter. His return was in the following words:

I hereby acknowledge service of the above Subpoena, and here with return a correct and true copy of the letter mentioned in the same, dated 12th Nov. 1806, excepting such parts thereof as are, in my opinion, not material for the purposes of justice, for the defence of the accused, or for the defence now about to be argued; the parts excepted, being confidentially communicated to the President, and he having devolved on me the exercise of that discretion which continually belongs to himself. The accuracy of this opinion I am willing to refer to the judgment of the court, by submitting the original letter to its inspection. I further certify, in order to show more clearly the irrelevancy of the parts excepted, to any defence which can be set up in the present case, that those parts contain a communication of the opinion of the writer concerning certain persons; about which opinion, or the fact of his having communicated it, the writer, as a witness before the court, could not legally, as I conceive, be interrogated, and about which no evidence could legally be received from other persons.

GEORGE HAY. Col. Burr's counsel then observed that they had two resources for compelling the production of the paper; either to move for an attachment against Mr. Hay, [which their Friendship would forbid—Mr. Hay declared, that these papers could not be extorted from him, without the intervention of the authority of the court; and even were they to issue their process, that he should rather go to jail, than surrender the letter;]—or to move for a writ that this prosecution stand and be continued till that letter be deposited with the clerk. They would accordingly press the latter motion.

This motion produced an animated discussion. A few minutes before 5 o'clock, the Ch. Jus. decided that under the circumstances of this case, it was not in the power of the court to say, that the letter should not be produced; that the reasons assigned for withholding it were not sufficient, and that if it were not produced, the court must either take measures to compel a compliance with its process, or continue the cause. With respect to such parts as were deemed confidential, the court would take measures to prevent their being made public; by providing that no copies should be taken; that no use was to be made of the letter except in relation to the trial, that it should not go out of court, and that those persons who are the notes of the proceedings were not to consider themselves at liberty to publish any part of that letter.—He concluded by stating that the production of the letter in court might contribute to remove many of the false impressions, which its suppression would infallibly excite.

The grounds occupied by the counsel on both sides will be detailed in our next.

Mr. Hay observed, that he was not definitely acquiesced with the wishes of Gen. Wilkinson on this subject, he should however, permit himself not to be hoped that he would consent to the pro-