Linerican,

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## FOREIGN NEWS,

Selected from Greenock Papers to the 13th Altimo, and Lenden to the 9th inclusive; received by the ship George, Capt. Taylor, 28 days from Greenock, and the Robert Burns, Waite, 32 days from Liverpool.

HAMBURGH, July 22.

This evening an Estafette arrived from Berlin to his excellency the French minister, M. de Bourienne, who brought the following Treaty of Peace: Conditions of Peace between his Majes-

ty the Emperor of the French and King of Italy, and his Majesty the King of Prussia.

"His majesty the Emperor of the French and King of Italy, and Protector of the Confederation of the Rhine; and his majesty the King of Prussia, animated with the same desire of putting an end to the calamities of war, have for that purpose, appointed plenipotentiaries, namely-On the part of his majesty the Emperor of France and King of Italy, and Protector of the Confederation of the Rhine, . C. aurice Talleyrand, Prince of Bennevento, his Great Chamberlain, and inister for Foreign Affairs; on that of his majesty the King of Prussia, . A. farshal Count de Kalkreuch, knight of the Prassian oreders of the Red and Black Eagle, and \*Count Von Goltz. his Privy Counsellor. Envoy Extraordinary, and ...inis-Her Plempotestiary to his majesty the Emperor of all the Russian and Knight of the Prusian Order of the Back Roagle-who, after the exchange of to a several full powers, have agriced to the -following articles:-

Article I. From the day of the exchange of the ratifications of the present treaty, there shall be perfect peace and amity between his majesty the Emperor of the French and King of Italy, and his majesty the King of Prussia.

Art. II. The part of the duchy of Magdeburg, which lies on the right bank of the Elbe; the mark of Frugitz, the Ukermark, and the Newmark of Brandenbarg, with exception of the encle of Roubus, in Lower Fufatia; the duchy of Pomerania, Upper, Lower, and New Silesia, with the county of Giatz, the part of the district of Netz, which lies from the N. nt the road from Drisden to Scheideranally by Wallau, to the Vistula, and to the frontiers of the circle of Bromberg, Pomerelia, the island of Nogat rand the country on the right bank of the Vistula and the Nogat, to the west of old Prussia, and the north of the Circles of Culm and Ermeland: haally, the kingdom of Prussia, as it was on the 1st of January, 1772, shall be restored to his majesty the king of Prussra, with the fortress of Spandau, Stettin, Custrin, Glogau, Breslaw, Schweidnitz, Nells, Breig, Cosel and Glatz, and, in general, all the places, citadels, castles and forts, of the abovementioned, shall be restored in the state men which they at present are. The town and citadel of Grudenz, with the villages of Neudorf, Parschken, and Schwerkorzy, shall likewise be restored to his majesir the king of Prussia.

Art. III. Illis majesty the king of Prussia acknowledges his majesty the king of Naples, Joseph Napoleon, and his majesty the king of Lichland, Louis

Napoleon. Art. IV. His majesty the king of Praissie in like manner acknowledges the Confederation of the Rhine and the present state of possession of the Sovereigns of which it is composed, and the titles which have been bestowed on them, either by the Act of Confederation or by subsequent treaties. His said majesty likewise engages to acknowledge those sovereigns who, in suture, shall become members of the said Confederation, and the titles they may receive by the treaties of acces-

Art V. The present treaty of peace and amity shall be in common for his majesty the king of Naples, Joseph Napoleon; for his majesty the king of Holland; and for the sovereigns of the Confederation of the Rhine, the allies of his majesty the emperor Napoleon.

Art. VI. His majesty the king of Prussia, in like manner, acknowledges this imperial highness prince Jerome Napoleon, as king of Westphalia.

Art VII. His Majesty the King of Rrussia cedes, in such right of property and sovereignty, to the kings, Grand Dakes, Dukes and Princes, who shall be Dakes, Dekes and Princes, who shall be

pointed out by his Majesty the Emperor of the French and King of Italy all the duchies, margraviates, principalities, counties and lordships, and in general all the territories and domains, and all territorial property of every kind, which his said Majesty the King of Prussia possessed, no matter under what title, between the Rhine and the Elbe, at the commencement of the present war.

Art. VIII. The kingdom of Westphalia shall be formed of provinces coded by his Majesty the King of Prussia, and by other states, which are now in the power of his Majesty the Emperor Napoleon.

Art. 1X. The arrangements which his Majesty the Emperor Napoleon will make respecting the countries marked out it, the two preceding articles, and the occupation of the said countries by the Sovereigns for whose advantage those arrangements will be made, shall be acknowled red by his Prussian Majesty, as if they had been settled by and formed a

part of the present treaty. Art. X. His Majesty the King of Prussia renounces, for himself, his tuecessors and descendants, all rights, present and to come, to which he would have the leas pretensions. 1st, Over all the territories, without distinction, which are not contained in article VII. 2d, Over all the possessions of his Majesty the King of Sasony, and of the house of Annalt, which are situated on the right bank of the Ellie. On the other hand. all the rights rad pretensions to the par sussions of his Prussian Majesty, simula between the Rhine and the Uber, excepsuch as are settled by this treaty, shall be forever extinct.

Art. XI. All the negociations and conventions, as well as treaties of alli mee which would have been concluded, whether publicly or in secret, between the Ling of Prassia, and one of the Powers triate on the 1-st bank of the Elbe, and which the present was would not have broken, will remain without effect, and te considered as null and weld.

Act. 2.11. His Mais by the Emg of Progrid couls will property and sover. in ar, to his Majosty the ixtury of Saxony, the Circle of Kanbus in Lower

Art. XIII. His Majesty the King of Peasers renounces forever all the provinces formerly belonging to the King of Poland, which at different periods had tailen under the dominion of Prussia. subsequent to the 1st of January, 1772, with the exceptions of Ermeland, and the country to the west of Old Prussia, to the east of Pomerania, and the New Mark, to the Nor'n Citcle of the Kulin, and of a line which passes from the Vistala, by Waldan to Schneidemul.i, and traced clong the frontiers of the Circle of Bromberg, and the road from Schneidemubl to Drison; which provinces, as well as the town and citad lof Crandetz, and the villages of Neudorf, Parichken and Swierkorzy, shall belong in future to his Majesty the King of Prussia, in entire property and sovereignty.

Art. XIV. His majesty the king of Prussia renounces equally forever the possession of the town of Dantzic.

Art. XV. The provinces which his majesty the king of Prussia renounces, by article 13, shall belong, with the exception of the territory stipulated in article 18, in entire property and sovereignty to his majesty the king of Saxonv, under the title of the Duchy of Warsaw, and shall be governed according to a constitution, which shall assure the liberty and privileges of the people of said Duchy, and which will be compatible with the tranquility of the neighboring states.

Art. XVI. To establish a communication between the kingdom of Saxony and the Duchy of Warsaw, the free use of a military road will be granted to his majesty the king of Saxony through the states of his majesty the king of Prussia. This road, the number of troops which shall pass it at a time, and the different stages of their march, shall be regulated by a particular convention between the two sovereigns under the mediation of France.

Art. XVII. The navigation of the Netze and the canal of Bromberg, from Drisen to the Vistula, and vice versa, shall be free from custom-house duties.

Art. XVIII. To determine and fix with all poss-ble precision the natural frontiers between Russia and the Duchy of Warsaw: the territory between the actual frontiers of Russia from the Bug to the mouth of the Lassona, and a line traced from the said mouth and along the valley of that river, the valley of the Bobra up to its mouth, the valley of the Narew from its mouth up to Suradz, the Lisa up to its source near the village of Mien, the arm of the Nurzeck which takes its source near the village of mien, the Nurzeck itself up to its mouth above Nurr; and lastly, the course of the valley of the Bug up to the present Russian frontiers; all these countries will be incorporated forever with the Russian empire.

Art. XIX. The city of Dantzic, with a territory of two miles in circumference, to be restored to its former independence under the protection of his majesty the king of Prussia and his majesty the king of Saxony; and to be governed by the rules by which it was

governed when it ceased to be independent.

Art. XX. Neither his majesty the king of Prussia, nor his majesty the king of Saxony shall obstruct the navigation of the Vistula, by any prohibition, nor by any customs, duty or im posts whatsoever.

Art. XXI. The city, port and territory of Dantzic shall be shut up, during the present maritime war, against the trade and navigation of Great Bri-

Art. XXII. No individual of any rank or description whatsoever, whose property and abode are situated in such provinces as formerly belonged to the kingdom of Poland, or which the king of Prussia is henceforth to possess; and no individual of the Duchy of Warsaw, or residing within the territory incorporated with Russia, or possessing any landed property, rents, annuities, or any income whatsoever, shall either with regard to his person, his estates, rents, annuities, and income, nor with respect to his rank and dignities, be prosecuted on account of any part which he may have taken, either in a political or military point of view in the present

Art. XXIII. In the same manner, no individual, residing or possessing landed property in the countries which belonged to the king of Praisia, prior to the 1st of January, 1772, (and which are restored to him by virtue of the preceding 2d article;) and in particular no individual of the Berlin civic guard or of the gens d'arm's, who have taken up arms in order to maintain public tra iquility, shall be prosecuted in his person, his estates, rents, annuities, or income whatsoever, or in his rank or dignity, nor in any manuer whats sever, on account of our part which he may have taken in the events of the present war, or be subjected to any inquir.

Art. NAIV. The engagements, debts, or obligations, of any nature whatsoever, which his majesty the king of Prussia may have contracted or concluded prior to the present war, as possessor of the countries, domains, cstates, and revenues which his majesty cedes or renounces in the present treaty, shall be performed and ratified by the new possessors, without any exception or reservation whatsoever.

Art. XXV. The funds and capital which belong to private or public persons, to religious, civil or military associations, in the countries belonging to the king of Prussia, which his majesty renounces by the present treaty, whether the said capitals be vested in the bank of Berlin, in the chest of the marine company or in any other manner, shall neither be confiscated nor sorred. The proprietors of the funds or capitals shall be at liberty to dispose of the same and they are to continue to enjoy the interest thereof, whether such interest be already due, or may yet become due, at the periods stipulated in the conventions or bourls. The same shall be on the other side observed with regard to all funds and capitals which are vested by any individuals or institutions whatsoever, in such countries as are ceded or renounced by his Prussian majesty, by virtue of the present treaty.

Art. XXVI: The archieves, which contain the titles of property, and a general all the papers, which relates to the countries, territories and dominions ceded by his Prussian majesty, as well as the maps and plans of the strong places, citadels, castles, and torts, seated in the above mentioned countries, are to be delivered up by commissioners of his said majesty within the period of three months next ensuing the exchange of the ratifications of this treaty, to the commissioners of his majes to the emperor Napoleon with regard to countries on the left banks of the Elbe, and to the commissioners of the emperor of Russia, the king of Saxony, and of the city of Dantzic, with regard to all countries which their majesties and the city of Dantzic, are in future to possess by virtue of the present com-

Art. XXVII. Until the day of the Ratification of the future definitive treaty of feace between France and England, all the countries under the dominion of his Majelly the King of Prussia, without any exception whattoever, shall be thut against the trade and navigation of the Enguin. No shipment to be made from an Prussian port for the British Illes or British Con ties; nor thall any thip from England, or her volonies, be admitted into any Prussian

Art. XXVIII. The necessary arrangements shall immediately be made to settle every point which relates to the manner and period of the furrender of the places which are to be restored to his Majesty the King of Prussia and to the civil and military administration of the faid

" Att. XXIX. The prisoners of war taken onboth sides are to be returned in a mais as foon as circumstances shall admit.

" Art. XXX. The present Treaty is to be ratified by his Majesty the Emperor of the Treuch and the King of Prussia; and the ratification shall be exchanged at Koningsberg, by the undermentioned, within the term of fix days next ensuing, or fooner if passible.

"Done at Titlit, the 9th of July, 1807, (L. S.) Signed " C. M. TALLEYRAND, Prince of Benevento.

(L. S.) Signed "Count KALKREUTH,

Field Marstal. (L. S.) Signed " Augustus Count Golez." El The ratifications of this Treaty were exchauged at Koningsberg, the 12th July, 1307.

TRIAL OF AARON BURR, (Continued by adjournment, and held at the capital, in the house of delegates) for High Treaton against the U. States. OPINION

Of the court in a motion to arrest the evidence -delivered on 31th August.

[ C. #.121.11C.1 Lord Hale says (14) 5) "what thall be fadalevers; of war is putt. a question of led, ter it is not every unavitation rate or afternoon of many perfora to do a material and, to ague the freeze they come not the attick in the time is makes of bridge for any british excess in would be to don, Sc." " but it muline built 20 a magazantes with it pecken e. . tor appropriate or war, as it they role or mare e dente delle delle, with cole is mying, or make, be the ed in a commence or thrushed with million of self-cert, or in they are armed with our heary weapers as investes, gues, bills, halber's, Lillies, and are in circumstanced that it may or rest musty concluded they are in a posture on war, which encommances are fixur as that it is hard to delicense the manipul "control" " On the general expressions in all the indictacide of the rather that I have for a are more, arribo arraban," arragad in waimse

He afterwards adds, " If there be a war levied as as above declined, viz. an ad orby arrayed in warlike in a ner, and so in the port ire of war far any treation ble attempt, it is believe

Let allume that more reports a chair It is obvious that Lord Hale tappoled as all mblage of mea in force, in a military pois time, to be incompany to committee that fact leveling war. The idealie appears to in, it, that the applications of the in the Electron. been very until communed by an wife milita who has written a valuable treatile on the force ject of treat a little in not received the his pout on, that the air moly mould be in polture of car for any tre-foncie atterpt, tos ever here demod. Pravio. Ch. 17. Mar. 23. Says. " Phat her only the new recen against the time and take opening to elected our next, but the income black carbon that we want to The mail frame man or walked at a large ful of the are ford to levy war against the and thorained to ste that is a a a a cor earlied againg the king's torce, or been regulier and contribute at their appropriate the recipies or ands

comment, were necessary, the date in a war as Para experte Harriag are all calls of coincide for a contract of the form of the second of the against the way and toke up come to den much han," manage of her course in the War in a week at and factors manner willistond his manfair author y " " " The octuat head a tore of confidenced between the contogenher at ed native sor menagement his express com-

Thete enfes are obvious enfes of force una

Hawkins next proceeds to don't be about while a war 18 up bershot, to be not be a war in it. statute, although it was not direct a dance a games the coverne ent. This into the mering an interpretation or constitutive laying war ; and it will be perienced that he but he cute a we in a an force is differented . The " Living Lity he talk of White make and the to restruit in oriental refress a qui un galavan whether is in a real or presented one, and of their even accountity allemin date from the indreib it are but it to try was a jament die folloge withough they have no direct design against his period, in as much as they inf leady invade this properties of attempting to do that o postate and only, while he my partie to her to get to develope that the stly tends to a downrecording. As were great minutes by the classification move certain printing from the sales. Can't The case bere put by H. a sens of the constructive heaving of war, do in rms require terce as a constituent part of the delengation of the one pro-

Judge Foller in his vanishle treatife on trea-I'm mates the opinion which has been quoted trom ford ride, and didees tour that writer to far as the later inight hem to require foores, drams, colors &cc. what he terms the porand pagarity of war, welcontral circumitances to confinite the fact of levying war. In the cates of Demarce, and Purchale, he tays, char want of there circulationes weighed nothing wath the court adminightive prefences chaitet i eithea mach on that mader ind he adds, " the na oper of the milargen sluppored the want of miliar, weapons ; and they were poster d with axes, crower, and once tool of the like nature, proper for the milities of they intended to elect

" Faror dring ministrat," It is appreciat that judge Foster here alludes to an allemidage in to ce, or as lord Hale erm. it, " in a warmer polition"—duat is in a condition to attempt or proceed upon the treatou which has seen contemplated. The lane author afterwards mates at large the cafes of Dammee and Purchale from 8 h state trials, and they are cales where the infurgents not only aftern bled in for ean the politic of war, or in a condition to execute the treatonable deligns, hat they did actually curry it into execution and didirefin the guards who were fent to disperse

Judge Foster states, sec. 4, all insuredions to effect certain innovations of a passic and generai concern b, an armed force, to be in con-Arustian of law, high treaton with the clause of levying war.

The caleput by Foster of constructive levying of war, all contain as a material ingredient the actual employment of force. After going through this branch of his lubject, he proceeds to state the law in a case of actual levying war, that is where the war is in ended directly against the

He says, sec. 9. " An assembly armed and arrayed in a warlike manner for a treatonalie purpole, is bellum livatum, though not beamin percussion. Liaming and marching are futficient overt acts, without coming to a battle or action. So cruizing on the king's Inbjects, under a French commission, France being then at war with us, was held to be adhering to the king's enemies though no other act of hosfility be

"An assembly armed and arrayed in a warlike manner for any treatonable purpole," is certainly in a state of force; in a condition to execute the treaton for which they allembled. The words "enlitting and marching," which are overtacts of levying war, do in the arrangement of the sentence, imply a state of force, though that state is not expressed in terms for the fucceeding words, which state a particular act as not having happened, proved that event to have been the next circumstance to thole which had happened : they are, " without coming to a battle or action." . " If men be enlifted and march," (that is if they, march prepared for battle or in a condition for action, formarching is technical term; applied to the movement of a military corps lit is an overt act offevying war though they do not come to

a battle or action. This exposition is re: " I the flronger by what feeins to be put in the fame fentence as a preallel case with respect to adhering to an enemy. It is cruizing under a commission from an enemy, without commit that another act of hoft lay. Cruizing is the ac. if failing in warlitz form and in a condense w

aisail those of whom the cruizer is in que i.

This expedition, which forms to be that metended by Judge Police, is rendered the more certain by a reference to the cale in the fire 2 trials from which the extracts are taken. I'm moras and by the chief judges are, " would men form the officer into a only and march ruck and tile will weapons of times and detensive, this at the gold war with open for co. it the comme minite." Mr. Phipps, the court, in the many and ner, afterwards objected, "International war is not treaten unlets aw rise a cally levied." To this the chief justice entropy of their nor estimate levying with the process arms and levy men, and in a mailte manner fet out and carrie independent and delignate outroy our the first of the Physical hashful to at Armand and the air recognition one production to the contract moterate and the management of the induction Appropriate content to the content of the same of the In the the theory of the arms a the inlarge disperse Distributed Problemented of the for a tributer that we time they we i have accountly significe is most in less young out was, as at money are a monate time. did when the That they are seen a court in 1tion, that they came in that police, that they came and the deficient of the croades and luminated the rap twice income with add in the laterice, that is a firely confidence

The point inflied on by expelled in the ends. was, that war could not be less 1 well at a that infairing to this that could be was very propertie over the conditional resembles the judices proceed a contract a forming mac a warlike productivas maispendible to the fact

Judge Folier professis to give other inflancosol is saint of the Lind Lingthe King's forces in apparetion to his authority upon a maien orin jamiters in hee mig war." " Holding a califordiot agriculture minger his tordes, Leader of the total and white to thep processing thickness, and will a face detainer, as suppolice of the tragities gaves against the king a of ters for the content of the force from withthe local factor constructs will not amount to

I embote doctrine of justs of Charon this filliperate into the name of a chair opinion. the state of the state of the state of

the second Spring of the conductor, her to, , " as a may be done of the first to not as the transfer that the preand between a religion or the laws, or to rena de craire a la la la chara galera de Awaethe real street is to Fertiliance a contest, or the armore in the conjugate to the state of the state

are it and the given a miles of leaving war. without the second of a supported name of the conat a the composition in the composition

it was an elica trees the English au-State of the second section of the spring wer, " have ners of the anti-material from their as unaction of the star as point the character the or the accompage of money man in a countrya citie, last. It must be a wariner unsemplage, cost, in, the significance of these, with a fittingare decreased as the Beauty.

interest judges on the United States have given agaments at their circuits on this jubject, ari of which deferve and will receive the particonar attents meet their court.

in his charge to the grand jury when John incs was recited, in contequence of a fora ole opposition to the direct ear. Judge Iredeal is therefore witto have fair, " I turns I am warranted in taying, that it in the case of the inturgents who may come under your condderay nother more named to prevent by force the execution of any act of the congression the United States alto, ether, any formore opposition calculated to carry that intention int > effect, was a leaving of war against the United States, and of course an act of trea on." is icry war men, according to this opinion of Judge Tredent, required the actual exertion of

[ To be continued.]

## American,

Commercial Daily Advertiser. WEDNISHAF, SLEIL MALK 16, 1807.

The following are the points laid down by Mr. Botts, which gave rise to the argament in Buri's case, as stated in yesterd y's American:-

1st. That under the act of Congress there can be no accessorial offender, i. e. none are within the points of the statute but such as are urting at the fact.

2d. It the first point be not sustainable, no act of Col. Burr out of the district can be given in evidence against him.

3d. Again, if the first point be not sustainable, no act of an accessorial agency can be given in evidence on this indictment charging the offence of acting at the Island and not specially that the indictee did the accessorial act.

4 h. That if the foregoing points be not sustainable, still no evidence of an accessocial agency could be given till the record of the conviction of an actor in the

expedition be produced. 5th. That the acts on Blannerhasset's Island cannot amount to a providing or preparing the means, or a beginning or setting on fosta military expedition there. This point revelves itself into two others, 1st. There was no military expedition in ma unity there. 2d. If there was a military expedition in progress there, it was not begun or set on foot there, nor were the means provided or prepared thereon. In enquiring into what constitutes the offence under the act of congress, he. contended that the act was so uncertain and ambiguous that it never could be carried into execution. He instanced many cases which went to shew that, according to the rules of constructing penal statutes, this net could not be enforced. He argued that providing the mons spoken of in the act of congress, required the entire means ; that the means must be not of-

an expedition merely, but a military ex-