

To John Marshall, Esq. Chief Justice of the United States.

Sir, Your conduct on the important trial of Aaron Burr, late Vice President of the United States, for high treason, has given rise to various emotions in the public mind, highly injurious to your judicial character. The capricious whims of siddy chance or the favoritism of party has placed you in one of the most exalted situations in civil life—a situation from which a revolution in state affairs, impeachment, or the strong arm of death can only remove you. The transactions of the present day as well as the history of past ages confirm the abuses to which all human institutions are liable. While king-craft and priest-craft rule the inhabitants of the old and a great portion of the new world with the iron rod of power, we are basking in the sunshine of prosperity, almost free from the curses which monarchs and their harpies have inflicted on mankind in all ages. While the citizens of the United States have, by an arduous warfare, dissolved the bonds of union between Church and State, and engrained the seeds of liberty in our constitutions, we are taught by experience, that there is another craft, which still, in a great measure, rules the citizens of America. The craft I allude to is law-craft. Your conduct, sir, as well as that of the fugitive and the law in general evince in the strongest manner the necessity of a reform in our system of jurisprudence. The extension of the judicial power of the supreme court of the United States is equal, if not superior, to that of the legislative and executive branches of government, and there is no case which can be tried in any subordinate branches of the judiciary, but it can be tried before the supreme court of the United States. The crime of treason, sir, is defined in the constitution of our country. For the commission of this crime, was Aaron Burr arraigned before you. The crime had been proven against him, death by law was the inevitable consequence. A fair and impartial trial was guaranteed him by the civil institutions of our country. The public were the prosecutors and Burr the prosecuted. You, Sir, filled that situation which ought to direct you of every personal consideration or friendly affection. You have thought proper to direct the attorney for the prosecution, upon a principal as novel as it is ridiculous, of the means of having a fair and impartial trial by jury, by preventing necessary testimony, touching the immediate conduct of the prisoner, to go before that jury. If, Sir, the position, which I contend for, be just and tenable upon every ground and which I allege to be supported by the very spirit and letter of the constitution, how can you apologize to your own conscience for the violation of that oath which clothed you with power, which you have shown to be tantamount to every other branch of the government.

Although your novel principle, adopted for the admission of witnesses on this important trial, has effected the release of the prisoner on a charge of high treason, and procured him a liberal vessel of innocence from the testimony which was sworn to go before that jury, it has confirmed, unequivocally confirmed the public mind, that the crime was committed against the United States, and that Burr was the perpetrator of it. I purpose, at my leisure hours, to examine the opinions delivered by you to the jury on this important trial, together with your conduct throughout, as it is evident that it is not quadrated by the spirit or letter of the constitution, or any existing law.

INVESTIGATOR.

CONGRESS.

HOUSE OF REPRESENTATIVES.

Washington, November 16. Proceedings this day.

Mr. J. Clay submitted a resolution of some length, directing the secretaries of war and the navy to lay before the house a statement of certain expenses incurred in their respective departments for the three years ending the 30th day of September last. Agreed to.

Mr. Bard offered the following resolution: Resolved, That the committee of commerce and manufactures be directed to inquire into the expediency of granting a bounty on Salt which may be manufactured within the United States, and that they report by bill or otherwise. This resolution was rejected, yeas 47, nays 50.

Mr. M. City offered the following resolution, which was adopted, and a committee of 17 members appointed accordingly: Resolved, That a committee be appointed to inquire whether any and, if any, what alterations are necessary to be made in the Militia Law, and that they have leave to report by bill or otherwise.

Mr. Devas said he had drawn up a resolution for the purpose of calling the attention of a committee of that house to a subject highly interesting to our national sovereignty; but as he did not see the chairman of that committee in his place, he would not call up the resolution at present, but would merely leave it on the table.

The resolution is in the following words: Resolved, That the committee to whom was referred so much of the message of the president of the United States, as relates to aggressions within our ports and waters, to objections of our jurisdiction and to measures necessary for the protection of our ports and harbors be instructed to inquire into the expediency of providing for the employment of adequate force to compel the immediate departure of such armed foreign vessels as may be found remaining within the waters of the United States, in defiance of any Interdictory proclamation duly issued by the President of the United States, and that the committee have leave to report by bill or otherwise.

The house then went into committee of the whole on the report of the committee of elections on the petition of JOSHUA BARTNEY.

Mr. Bibb spoke against the reasoning contained in the report of that committee, but in favour of the election of Wm. MacCreery. He renewed his motion (made on Friday last) declaring that "William MacCreery was duly elected according to a seat in this house."

Mr. Bibb was followed by Messrs. Quincy, Nelson, Findley, Sloan, Holland and Key. Mr. K. made a most able speech against the constitutionality of the law of Maryland. The debate continued about 8 hours and a half; when, on motion of Mr. Smilie, the committee of the whole rose, reported progress and obtained leave to sit again. The house then adjourned (about half after three o'clock) without taking the question on Mr. Bibb's amendment.

Philadelphia, November 14.

Cleared, brigs Junius, Roberts, Jamaica; South Carolina, Serris, Charleston; Alex. Snow, ditto; Concord, Ketch, New-York; Jeconahs David, Brownstown, ditto; Frolic, ditto; Anthony, New-Baltimore; Hoops Bailey, Conds, ditto; N. T. Nancy Saunders, Thompson, New-York; Favourite, Serris, Charleston.

Schooner Rover, William, hence, at Antigua.

American, Commercial Daily Advertiser.

WEDNESDAY, NOVEMBER 18, 1807.

The following is the opinion of the court of Inquiry held on board the United States frigate Chesapeake, on the conduct of Commodore Barron, in relation to his rencounter with the British frigate Leopard. It was, on Friday last, with other interesting documents, laid before the committee of the House of Representatives, on aggressions, by the Secretary of the Navy. Its publication entitles it to be considered as a precedent, as it presents in a proper point of view the conduct of an officer concerning whom the public mind has been for a long time held in suspense.

At a Court of Enquiry assembled on board the United States ship Chesapeake, in the harbor of Norfolk and State of Virginia, by order of the Honorable Robert Smith, Secretary of the Navy of the United States, and continued by adjournment from day to day, from Monday the 5th day of October, 1807, until Wednesday the 4th day of November, 1807.

PRESENT, CAPTAIN ALEXANDER MURRAY, President, and Captains Isaac Hull, and Isaac Chauncey, Members thereof.

The following opinion and report was unanimously given, and directed by the court to be transmitted to the honorable the Secretary of the Navy of the United States.

PURSUANT to an order from the honorable Robert Smith, Secretary of the Navy of the United States, to Captain Alexander Murray directed, dated the twelfth day of September, in the year of our Lord, one thousand eight hundred and seven, the court proceeded to enquire into the causes of the surrender of the Chesapeake, a frigate of the United States, then under the command of James Barron, Esquire, a captain in the navy of the United States to a British vessel of war, which surrender was made (as is in the said order stated) without that defence being made which might have been expected from the known valor of Americans; and having heard all the evidence adduced, as well by the Judge Advocate, as by the said captain James Barron, and having maturely and thoroughly considered the same, (captain James Barron having declined to offer any defence) REPORT to the honorable the Secretary of the Navy of the United States, as by his said warrant is required, a state of the matters touching the said surrender, together with their opinion thereon, as followeth:

1.—It appears to the court, that the United States ship Chesapeake, then under the command of James Barron, Esquire, a captain in the navy of the United States, sailed from Hampton Roads, on an intended cruise in the Mediterranean sea, on the morning of the 22d of June last past, having on board a crew consisting of more than three hundred and seventy men, and completely equipped with every thing necessary for such a ship of war, sailing on such a cruise.

2.—It appears to the court, that captain Barron was appointed commodore of the ships and vessels destined for the Mediterranean service on the 15th day of May last past, and hoisted his broad pendant on board the Chesapeake, the first time he came on board of her after her arrival in Hampton Roads, to wit, on or about the 6th day of June last past.

3.—It appears to the court, that commodore Barron visited the Chesapeake only twice during the period she remained in Hampton Roads, and before he came on board to proceed to sea; on neither of which occasions did he examine particularly into her state and condition.

4.—It appears to the court, that the guns of the Chesapeake were never exercised before she proceeded to sea; that her crew were quartered but a few days previous to that time, and had never been called to quarters more than three times prior to her sailing for sea.

5.—It appears to the court, that the ship was reported to commodore Barron to be ready for sea on the 17th day of June, that she sailed on board on the 21st, and that she sailed on the morning of the 22d of June last past.

6.—It appears to the court, that antecedent to the sailing of the Chesapeake, there had been received on board of her some persons who had been claimed by the British government as deserters from their service, who were not ordered to be delivered up by the American officers.—That there was also a report in circulation, and generally known on board the Chesapeake, that a threat had been used by the captain of the British ship of war Melampus, to take these men from the Chesapeake.—That commodore Barron had full knowledge of the facts that such men were on board his ship, that they had been demanded by the British government, and had not been delivered up, the court are perfectly satisfied; but no positive evidence has been adduced to prove, that the report of the threat above mentioned was communicated to him before his ship sailed.

7.—It appears to the court, that the Chesapeake, proceeding from Hampton Roads to sea, passed a British squadron at anchor in Lyn-a-en Bay, within the time of her passing them were making signals to each other, which were not only reported to commodore Barron by one of his officers, but actually observed by himself.

8.—It appears to the court, that the British ship of war Leopard of fifty guns, one of the squadron then at anchor within the limits of the U. States, was immediately after these signals were shown out, and stood to sea.

9.—It does not appear to the court, that at this time there was any vessel in sight of any other object to induce her to go to sea, but the Chesapeake.

10.—It appears to the court, that at the time the Leopard got under way, the wind was at southern-west, and therefore fair for her to proceed to sea; but that instead of availing herself of this to clear the land, she sailed by the wind, clear round Cape Henry, and stood to sea, and was not seen by the Chesapeake until she was within a few miles of the land.

11.—It appears to the court, that after the wind became light and baffling, she was likely to shift, and came out from the sea, and was seen by the Chesapeake, the Leopard shortened sail, and stood to the eastward.

12.—It appears to the court, that after this the Leopard came from a southerly bearing, and the Chesapeake, having then gone to weather, she was enabled to tack in time when the Chesapeake stood to sea to get off her pilot, and after the Chesapeake again stood to the eastward, that the Leopard wore and bore down for her.

13.—It appears to the court, that when the Leopard tacked and stood in chase on the Chesapeake, with the Chesapeake, that her lower deck ports were all closed.

14.—It appears to the court, that when the Leopard stood down on the Chesapeake, she reduced to her lower quarter a smaller windward of her, and that at this time her topmasts were out of her gun.

15.—It appears to the court, that commodore Barron was on deck, viewing the Leopard, during the time these manoeuvres were practising, and that appearances exhibited.

16.—The court is of opinion, that the circumstances above stated were in themselves sufficient, as to have furnished sufficient warning to a prudent, discreet, and attentive officer of the probable designs of a ship of war conducted in that way, and ought to have induced commodore Barron to have prepared his ship for action, especially with the information he possessed of the situation of his crew generally, of those who had been demanded by the British government, particularly, and of the general state of the ship at that time.

17.—It appears to the court, that commodore Barron nevertheless did not order his ship to be cleared for action, and that he did not call his men to quarters.

18.—It appears to the court, that when the Leopard came along side of the Chesapeake, an officer was sent on her, with a communication from capt. Humphries, the captain of the Leopard, to commodore Barron, which the latter could not read, did not inquire into, but very correctly concluded to be a demand with which he ought not to comply, and one which, if refused, would be enforced if possible.

19.—It appears to the court, that although such was the situation and impertinence of commodore Barron at this time, yet that he did not fill orders his ship to be prepared for action, although time was allowed for her preparation, the British officer being detained on board the Chesapeake from 35 to 45 minutes.

20.—The court is of opinion, that the neglect of commodore Barron to prepare his ship for action under such circumstances, is a direct breach of the fourth article of the rules and regulations for the government of the Navy of the U. S. adopted by an act of the Congress of the U. States, passed on the 23d day of April, 1800, entitled "An act for the better government of the Navy of the U. States."

21.—It appears to the court, that after the British officer left the Chesapeake, bearing a positive refusal from commodore Barron to demand which had been made by capt. Humphries and after commodore Barron was himself satisfied that an attack upon his ship would be made, he did not take prompt, regular and efficient means to prepare his ship for battle.—That his first order was merely to clear his gun deck, and the second given after the lapse of some time, was to get his men to quarters secretly, without beat of drum; although with such a crew as he had on board, and in such a situation as the ship then was, it was not to be expected that orders could be effectually accomplished.

22.—It appears to the court, that the conduct of commodore Barron during the attack of the Leopard manifested great indecision, and a disposition to negotiate, rather than a determination bravely to defend his ship. That he repeatedly

hailed the Leopard during her attack upon him.—That he drew his men from their guns to lowering down boats, to send on board of the attacking ship—and that he ordered his first lieutenant from his quarters during the attack, to carry a message on board of the Leopard, at that time firing upon him.

23.—It appears to the Court, that during the attack, Commodore Barron used language in the presence of his men calculated to dispirit his crew, by ordering them to keep down, that they would all be cut to pieces.

24.—It appears to the Court, that Commodore Barron ordered the colours of the Chesapeake to be struck, and that they were struck before a single gun of any kind was fired from her; and that at the time they were so struck, her main deck battery was in a situation which would have enabled the return of a broadside in a very short time.

25.—The Court is of opinion, that although the conduct of Commodore Barron, before and during the attack of the Leopard, evinced great intention to do duty and want of desert on yet, at during the attack he exposed his persons, and did not manifest either by his orders or actions, any personal fear, or want of courage.

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27.—It appears to the Court, that although the Chesapeake might and ought to have been a better off than she was, yet that she was in a situation at the time of the attack, in the opinion of the court, to have sustained a severe beating, and to have made a fight of it, had she been made as tight as she ought to have been. Some of her guns were not seen by the Leopard, some of her muzzles were not in their proper places, some were neither supplied with enough cartridges, nor were those which they had of the proper size. None of these circumstances however could have influenced Commodore Barron in striking his colors, because they were not known to him at the time.

28.—The Court is of opinion, that the conduct of all the other officers of the ship, except those whose duty it was to have remedied the deficiencies before stated, and if the crew generally, was proper, commendable and honorable.

A true copy, L. W. FAZEWELL, Judge Advocate.

The following ADDRESS was on Friday last presented to the President of the U. States.

To THOMAS JEFFERSON, President of the United States.

We, the representatives of the Yearly Meeting of Friends, for the Western Shore of Maryland, the adjacent parts of Pennsylvania and Virginia, and the state of Ohio, being convened in the city of Baltimore, on those concerns which relate to our society, agree that we will our united voice be engaged to address thee on behalf of the society, and the religious society which we represent.

It is our duty, that while we desire to be preserved from intermeddling with the policy of those governments, under which we live, we will strive to be our independent duty, consistently with that Christian obligation, in relation to government, to "obey a superior power, so long as it commands in all good conscience and equity."

We feel ourselves to the Sovereign Ruler of the Universe, in that he hath influenced the councils of the General Government of our country, to decide upon several important subjects, agreeably to the principles of eternal justice and right.

Amongst the most prominent of those acts which claim our approbation, we are induced to notice the measures of thy efforts to preserve our country from the calamities and ravages of war, by cultivating a disposition, and pursuing a conduct marked with candour and friendship towards all nations with whom we have intercourse; the evading those grounds of dissension, which are often the sources from whence this desolating scourge has its origin, to the reproach of Christianity. For, as we are firmly persuaded of its obligation as a religious principle, so it is our fervent desire, in regard to all men, that even the smallest germ of enmity may be eradicated. And our ardent prayer to the Father of the Universe is, that through the overruling order of his Providence, the sea and understanding of his erring and contending creatures, may be illumined, so to behold the excellency of brotherly affection, as to become willing to admit the spirit of universal reconciliation.

We are also bound to acknowledge those philanthropic exertions, which have been used to ameliorate the condition of the Indian natives, by introducing amongst them a knowledge of agriculture, and of some of the mechanic arts. We sincerely congratulate thee on their progress in civilization, and the very encouraging prospect, abundantly evinced, that this truly benevolent and laudable undertaking will ultimately be crowned with the desired success—an undertaking which, whilst it increasingly obviates the wretchedness of their former condition converts them from dangerous neighbors to valuable friends.

But there remains a subject, inexpressibly dear to our hearts, which has particularly interested our feelings. We rejoice in the prospect of a termination to the wrongs of Africa, and that traffic, heretofore legalized in a district of our country, in its nature ab-

horrent to every just and tender sentiment, and reproachful to humanity, to say nothing of christian principles, is interdicted by our government. For the exertion of thy influence, united with the National Legislature, (may we not say,) to relieve our country, from the complicated evils attendant upon this cruel and inhuman trade, we are engaged, through this medium, to testify our warmest approbation.

And say the future Councils of our country, yield to the influence of him who is called "Washington, Cooperator, The Mighty God, The Everlasting Father, The Prince of Peace," so that the exercise of additional acts of justice and mercy, towards this greatly oppressed part of the Human Family, may at length remove the curse of oppression from this highly favored land.

With sentiments of respect, due from us to those who, in the ordering of divine Providence are set over us, we are thy friends, signed on behalf of the Meeting.

By GERARD T. HOPKINS, Clerk.

To the foregoing ADDRESS, the President of the U. States, returned the following ANSWER.

FRIENDS AND BROTHER CITIZENS. I thank you for the Address you have kindly presented me, on behalf of that portion of the society of Friends, of which you are the representatives; and I learn with satisfaction from their approbation of the principles which have influenced the councils of the general government, in their decisions on several important subjects confided to them.

The desire to preserve our country from the calamities and ravages of war, by cultivating a disposition and pursuing a conduct, conciliatory and friendly to all nations, has been some time entertained and faithfully followed; it was dictated by the principles of humanity, the precepts of the gospel and the general wish of our country; and it was not to be doubted that the society of Friends, who in this is a religious principle, would sanction it by their support.

The same philanthropic motives have directed the public endeavors to ameliorate the condition of the Indian natives, by introducing amongst them a knowledge of agriculture and some of the mechanic arts, by encouraging them to resort to these as more certain, and less laborious resources for subsistence, than the chase, and by withholding from them the pernicious influences of ardent spirits. They are our brethren, our neighbors, &c. may be valuable friends, and troublesome enemies. Both duty and interest then enjoin, that we should extend to them the blessings of civilization, and prepare to cherish for becoming useful members of the American family. In this important work I trust your society, an acknowledgment that we have felt the benefits of their zealous cooperation, and approved its judicious direction towards producing among those people habits of industry, comfortable subsistence, and civilized usages as preparatory to religious instruction and the cultivation of letters.

Whatever may have been the circumstances which induced our forefathers to permit the introduction of personal bondage into any part of these states, and to part up to in the wrongs committed on an unoccupied quarter of the globe, we may rejoice that such circumstances, and such a sense of them, exist no longer. It is honorable to the nation that he that their legislature availed themselves of the first practicable moment for arresting the progress of this great moral and Political error; and I sincerely pray with you, my friends, that all the members of the human family may, in the time prescribed by the Father of us all, find their lives securely established in the enjoyment of life, liberty and happiness.

TH: JEFFERSON.

Nov. 13, 1807.

The strength of parties in the next legislature of the State of Pennsylvania are stated to be—in the Senate, four republicans, eight quids, and three federalists;—in the Assembly, forty-three republicans, twenty-seven quids and fifteen federalists.

The suspension of the "non-importation law" expires on the 15th of next month, after which it will have its full force and effect, unless a repeal or another suspension takes place.

The number of deaths in the city of Philadelphia from the 7th to the 14th inst. inclusive are, 23 Adults and 7 Children; total 30.

The stories of Indian hostilities & massacres, circulating in several of the public prints, as having been committed at Detroit, are destitute of foundation. No families have been murdered, nor any persons injured at all, by the Indians of that place. Phil. pap.

Married, on Thursday evening last, by the Rev. Dr. Bend, Mr. John Stewart, to Mrs. Mary Griffith, all of this city.

TO CORRESPONDENTS. Philo-Ramsay has been unavoidably postponed, but shall appear to-morrow. Scyllias is received and shall be inserted as soon as possible.

** The Second Number of the "WEEKLY REGISTER OF POLITICS AND NEWS," will appear on Monday next, and the work will be published regularly every Saturday thereafter. The price to subscribers will be Five Dollars per annum, payable in advance. No single papers will be sold, as a certain number of copies will be always struck off, and the sets will not be broken.

Gentlemen who are disposed to patronize this work, will find a subscription book at the store of Messrs. Warner & Hanna, where they may enter their names. Subscriptions will also be received at the subscriber's Printing-Office, No. 84, Harrison Street.

JOHN B. COLVIN.

November 18