TRIAL OF COMMODORE STEWART.

COURT MARTIAL.

Thirty-seventh Day—Thursday Aug. 18.

The Court assembled yesterday at 10 o'clock.

The precept from the Secretary of the Navy calling the Court, having been read, the Judge Advocate administered the oath to the members, and afterwards was himself sworn by the President.

Commodore Charles Stewart was then asked if he had any objections to make against any of the members of the Court; and having replied in the negative, the charges and specifications were read as follows:

CHARGE 1st—*Unofficer-like Conduct.*

Specification 1st.—In aiding and assisting, during the months of May, June, and July, in the year 1822, an American ship called the Canton, an American ship called the Pearl, an English brig called the Sarah, and a French ship, called the Telegraph, and other vessels, in carrying on an illicit and contraband trade with certain ports in Peru, called the Intermedios; aiding and assisting said vessels in violating the laws and decrees of the existing government of Peru, and in transporting and landing arms, military stores, and other contraband articles, and in protecting the said vessels from the consequences of such illegal traffic, by employing, or threatening to employ, the naval forces of the United States in their defence.

Specification 2d.—In sailing, with the United States' ship, the Franklin, then under the command of the said Charles Stewart, in the months of June and July, 1822, to the said ports, called the Intermedios, for the purpose of aiding in private and illicit traffic, and with a view to the private emolument of the said Charles Stewart.

Specification 3d.—In employing, on or about the 11th day of July, 1822, the naval force of the United States under his command, in preventing the commander of the Peruvian brig Belgrano from enforcing the laws and instructions of his government, by taking and sending in for adjudication an American ship called the Canton, detected in carrying on an illicit trade to the injury of said Government, and in being concerned in the pecuniary profit of said illicit voyages and transactions of the aforesaid ship the Canton.

Specification 4th —In transporting, or causing to be transported, on board the United States' schooner the Dolphin, on or about the 6th day of May, 1822, one Eliphalet Smith, with goods and merchandise for sale, on private account, and permitting said Smith to carry his own private goods and merchandise, and samples of goods, not designed for the use of the said schooner Dolphin, on board the said schooner, under the protection of the flag of the United States, to certain ports, viz: Arica, Quilca, and others, of the Intermedios; and to employ a national vessel of the United States, as a place for the said Smith to sell, and display for sale, such goods, when such traffic was in itself illegal, and contraband, and such conduct tended to the disgrace of the navy of the United States.

Specification 5th —In employing, in the month of August, 1822, and at other periods in that year, the schooners Peruvian and Waterwitch, then in the service of the United States, in traffic, and carrying merchandise on private account.

Specification 6th—In lending aid and countenance to the violators of the Revenue Laws of the government of Peru, at various times between the arrival of the ship Franklin, in the Pacific, in the month of February, 1822, and her departure from thence, in 1824, by permitting and aiding sundry persons in carrying off from the shore, coin, bullion, plata-pina, and other articles, contrary to the laws of said government, without the permission, authority or knowledge of the custom-house officers and local authorities, and to deposit the said articles, so smuggled, on board the public vessels of the United States, then under the command of the said Charles Stewart.

Specification 7th—In permitting, at various times within the periods mentioned in the foregoing specification, specie, bullion, plata-pina, and other articles designed to be transported from Peru, in violation of the laws of that country, clandestinely, at night to be brought on board the public vessels of the United States, then under his command, and in transporting said articles in the boats of the said public vessels, at sea, and out of the control and reach of the authorities on shore, to certain vessels bound to distant ports, after such vessels had undergone the examination of the custom-house officers; such transportation being without the authority, permission, or knowledge of said officers, but designed as a fraud upon, and an invasion of, the laws of the government of Peru.

Specification 8th—In assisting, at the times mentioned in the last preceding specification, with the armed force under his command, in defending and protecting persons and property engaged in smuggling, from arrest and detention, by the lawful authorities of the government of Peru.

Specification 9th—In affording, at various times during the period mentioned in the last preceding specifications, protection and aid of an extraordinary and illegal kind, to the Canton, and other vessels, in the business of which he the said Charles Stewart, and Eliphalet Smith, were interested to the neglect of other vessels engaged in a lawful commerce, to which he was in duty bound to afford protection, but in the profits of which they had no participation.

Specification 10th—In purchasing from the said ship, the Canton, at Valparaiso, in the month of April, 1822, among other articles, 90 bolts of canvass, 25½ casks of wine, 335 lbs. copper nails, paints, oils, &c. ostensively for the use of the Franklin, when such articles were not necessary for said vessel, and, in fact, were not employed or consumed in her; and when the said ship, the Franklin, had been amply provided with such of the said articles as were necessary for her use.

Specification 11th—In employing or causing to be employed on various occasions, at Valparaiso, and elsewhere, in the ports of the Pacific, during the year 1822, carpenters and other persons attached to the Franklin, and receiving pay from the United States, in working on board the Canton, Wasp, and other private vessels, without any proper or adequate reason, and without any compensation to the individuals thus employed.

Specification 12th—In receiving on board the Franklin one Captain Eliphalet Smith, and permitting him to remain there for nearly a year, engaged in private traffic, and employing the naval forces of the United States in subservience to the views of said Smith.

Specification 13th—In employing the said Eliphalet Smith to carry despatches, board vessels, and perform other duties, which ought to have been executed by the officers in the service of the government, for the purpose of affording him, the said Smith, facilities in the prosecution of his private concerns.

Specification 14th—In permitting the cargo, or part of the cargo, of the Canton, some time in August, 1822, to be shipped on board the Peruviano, then in tow of the Franklin, and ostensibly a public vessel, and in receiving, or permitting to be received and carried on board the Franklin, the Supercargo of the Canton, and samples of the goods thus put on board the Peruviano, for the purpose of furthering the sale of the said cargo.

Specification 15th —In receiving, and permitting to remain on board the Franklin for a long period of time, in the year 1822, one captain John O'Sullivan, the commander, and one —— Ward, Supercargo of the Canton, for the purpose of aiding them in their private traffic; thus making the national vessels and flag subservient to individual interests.

Specification 16th—In taking on board, and carrying in the Franklin, from Valparaiso to Quilca, in or about the month of March, 1823, horses, with their equipments, for the use of General Canterac or some other Royalist general; thus furnishing aid and assistance to the one party, in a military contest, in violation of the duties of a neutral officer.

Specification 17th.—In employing the crews of the public vessels of the United States, and articles paid for by the government, for the use of said public vessels, in building and equipping 3 small schooners, which were not required for the public service, and which did not, and do not, belong to the Government.

Specification 18th.—In permitting or causing to be made by the crew of the Franklin and other public vessels, out of materials which had been purchased for the service of the government, sails, &c. for the use of the private ship the Canton, in the month of August or September, 1822.

Specification 19th.—In permitting, or causing the Dolphin, a vessel of the United States, to carry, from Callao to Guayaquil, in or about the month of September, 1822, money, sails, &c. for the purpose of placing them on board the Canton.

Specification 20th.—In permitting William A. Weaver, then a Lieutenant in the Navy of the United States, and borne on the books of the said ship Franklin, to absent himself from said vessel, and from his duties on board, during the entire cruise of said ship, from the month of September, 1821, until the arrival of the Franklin within the United States, in the month of August, 1824, without any necessity or excuse of a public nature.

Specification 21st.—In approving the muster rolls of the Franklin, wherein it was made to appear that the said William A. Weaver was actually on board said ship, and performing the duties of a Lieutenant on board, from the commencement of said cruise up to December 31, 1823; whereas he, the said Charles Stewart, well knew the said Weaver to be absent from said vessel, engaged in his own private concerns, during the whole of said period.

Specification 22d.—In directing and causing the Purser of the said ship, the Franklin, to transmit to the Navy Department false and erroneous transcripts from the muster-rolls of said ship; by such false and erroneous transcripts representing to the Navy Department that he, the said William A. Weaver, was absent from the said vessel in charge of stores, at Callao, when, in fact, no such entry was ever made in the original muster-roll, and when he, the said Charles Stewart well knew that he, the said Weaver, was not at Callao, and also that there were no public stores at Callao of which he could be in charge.

Specification 23d.—In causing the Purser of the said ship, the Franklin, to enter on the muster-roll of said vessel, on or about the 16th of November, 1824, that he the said William A. Weaver, was absent from said ship without leave from the 1st of August, 1822, whereas, he the said Charles Stewart, had approved the muster-roll of said vessel, by which it was made to appear that the said Weaver was actually on board up to December 31, 1823.

Specification 24th—In permitting the Purser of the said ship, the Franklin, at the port of Arica, in June, 1822, to send on shore for sale large quantities of clothing and other articles, brought out in the said ship for the use of the officers, by which means, when those articles were required, it became impossible for the officers to procure them from the Purser.

Specification 25th—In sending or causing to be sent, at various times, in 1822 and 1823, on board the Canton, a large number of musket cartridges, and other military stores, belonging to the Government, which said articles were entered on the books of the Franklin as expended in that vessel in the regular course of public service.

Specification 26th—In sending, or causing, or permitting to be sent on board the said ship, the Canton, on or about the 26th day of July 1822, several articles from the Carpenter's Department, of which no entry was made on the books of the Franklin.

Specification 27th—In causing, or permitting to be used a large number of hoops and other materials, belonging to the Government and the crew of the Franklin and other vessels under his command, to be occupied in making kegs to hold specie, &c. deposited on board said vessels, and not accounting to the Government for the money charged to and received from the owners of said specie, &c. on account of said kegs.

Specification 28th—In sending, or causing or permitting to be sent, on board the Canton, for the use of said private vessel on or about the 26th of October 1822, sails, canvass, and other articles belonging to the government.

Specification 29th—In permitting to be taken from the public stores in the month of September 1822, in April and November 1823, and in January 1824, and at divers other times saws, copper nails, iron nails, iron spikes and ammunition, and given or sold on private account without rendering a faithful and true account thereof to the Government.

CHARGE 2D—*Disobedience of Orders.*

Specification 1st—For that in express violation of his instructions, from the Honorable the Secretary of the Navy, dated the 8th day of September 1821, he the said Charles Stewart in the year 1822, then commanding the United States' ship Franklin, did aid and assist an American ship called the Canton, an American ship called the Pearl, an English brig called the Sarah, and a French ship called the Telegraph, in carrying on an illicit and contraband trade with certain ports in Peru, called the Intermedios, aiding and assisting said vessels in violating the laws and decrees, of the Government of Peru, and in transporting and landing arms, military stores, and other contraband articles; and in protecting the said vessels from the consequences of such illegal conduct by employing or threatening to employ the naval forces of the United States in their defence.

Specification 2d—In employing, on or about the 11th day of July, 1822, the naval forces of the United States under his command, in preventing the commander of the Peruvian brig Belgrano from enforcing the laws and instructions of his Government, by taking and sending in for adjudication an American ship called the Canton, detected in carrying on an illicit trade to the injury of said Government.

Specification 3d—In transporting, or causing to be transported, on board the U. States' schooner Dolphin, on or about the 6th of May, 1822, one Eliphalet Smith, with goods and merchandise for sale on private account, and permitting said Smith, to carry such his own private goods & merchandize, not designated for the use of the said schooner, on board the said schooner, under the protection and flag of the United States, to certain ports forbidden by the laws of the country.

Specification 4th—In lending aid and countenance to the violators of the revenue laws of the Government of Peru, by permitting and aiding sundry persons, at various times between the arrival of the Franklin in the Pacific, in 1821 and her departure from thence in 1824, to carry off from the shore specie, bullion, platapina, and other articles, contrary to the laws of said Government, without the permission, authority, or knowledge, of the custom-house officers and local authorities; and to deposit articles so smuggled from the shore on board the public vessels of the United States, then under the command of him, the said Charles Stewart.

Specification 5th—In assisting, with the naval forces of the United States, then under the command of him, the said Charles Stewart, in defending and protecting persons and property engaged in smuggling, from arrest and detention by the lawful authorities of the government of Peru at the times mentioned in the last preceding specification.

Specification 6th—In permitting to be received, and in receiving on board the said ship the Franklin, and other vessels under his command, at various times, within the periods aforesaid, within the jurisdiction of the said government of Peru, certain persons who, by the laws of said government, were obnoxious to capture and punishment, spies and officers in the Royalist army, and in protecting said persons from seizure and punishment, contrary to the express instructions given to the said Charles Stewart by his government and in contravention of his duties as the commander in the service of a neutral nation. In particular, in receiving or permitting to be received and protected as aforesaid, an individual by the name of Madrid, an officer in the Royalist army, and spy in Lima; and the director or late director, of the mint.

Specification 7th—In unlawfully and in violation of his duties as a neutral, carrying from Callao to the before mentioned ports called the Intermedios, some time between the 1st of May and the 15th of July, 1822, intelligence of a contemplated military expedition prepared by the Patriot government of Peru against said Intermedios, and thereby exposing the same to defeat and destruction.

CHARGE 3d—*Neglect of Duty.*

Specification 1st—For permiting and authorizing William A. Weaver, a Lieut. in the Navy of the United States, attached to the Franklin, and borne on the books of that vessel, to absent himself from said ship and from his duties on board, during the entire cruize of said ship from the month of September, 1821, till her arrival within the United States in the summer of 1824, without any necessity or reason of a public nature.

Specification 2d—For that, whereas Horace D. Sawyer, a Lieutenant in the Navy of the United States, did on the 24th day of July, 1822, and on the 28th day of August, in the same year, exhibit to said Charles Stewart, his commanding officer, charges and specifications of the most serious character against David Connor, a Lieutenant in the Navy, then under the command of the said Charles Stewart, and did refer to several witnesses as able to sustain said charges, he, the said Charles Stewart, did omit and neglect to notice said charges, or cause their truth to be investigated, to the great injury of the naval service of the United States.

Specification 3d—In not having his men regularly and properly exercised at quarters, and in not having his guns in a proper state for action as he was bound to have done, during the cruize of said Franklin, from the month of September 1821, to the summer of 1824.

CHARGE 4th—*Oppression and Cruelty.*

Specification—In confining Joshua R. Sands, a Lieut. in the Navy of the United States, and under the immediate command of said Charles Stewart, in an unusual and unnecessary manner, on board the Franklin, from the 9th of October 1823, until the 13th of April 1824, without taking any measures to bring the said Sands to trial for any alleged misconduct, and in continuing said oppressive and cruel conduct subsequent to the said 13th of April, to the manifest and great injury of the health of the said Sands.

Commodore Stewart being then required to plead to these charges, pleaded "Not Guilty," and put in a written request to the Court to be allowed the aid of Counsel in his defence, and a stenographer to take notes of the proceedings.

The Court was then cleared for deliberation; and on the doors being re-opened, it was announced that the Court had acceded to the request of Commodore Stewart to be allowed the aid of Counsel, under the following restrictions: that every motion or proposition on the part of the accused should be made in writing, and such document should be presented to the Court through the Judge Advocate. The Court also acceded to the request of Com. Stewart to employ a stenographer with the express condition that such stenographer should only take notes for the use of the accused, during his trial.

Lieutenant Hunter was then called and sworn, and his examination by the Judge Advocate consumed the time until the usual time of adjournment. His evidence, as First Lieutenant of the Franklin during her cruise, principally related to the intercourse with the Canton, Pearl, and Sarah—to the building and employing of the schooners Peruviano, Wasp, and Robinson Crusoe—to the receiving on board of Eliphalet Smith—to the receiving of specie and transporting it—to the absence of Lieut. Weaver, &c. &c. We refrain from going into a more copious abstract from a respect to the former decision, and a latter request from the Court.

About 3 o'clock, the examination of Lt. Hunter not being finished, the Court adjourned until 10 o'clock tomorrow morning.

Journal.

FOREIGN.

LATE FROM EUROPE.

By arrivals at New York, London dates to the 15th, and Liverpool to the 16th July, have been received.

The British Parliament was prorogued on the 6th July, by commission, to meet again on the 25th August.

The accounts of the revenue for the year ending 5th July, when compared with the two last years, show an increase of income of 1,713,000*l.* sterling.

The British stock market, on the 6th July was more active than it had been for some days previous. In the foreign market there was scarcely any thing doing.

The London Price Current of the 5th, says, that the purchasers of tobacco for speculation, continue extensive, and prices have advanced ¼d to ½d. per lb.

THE GREEKS.—The latest accounts respecting the Greeks are from Odessa, of the 13th June. They are confined to some naval operations between the Greek Admiral Sachtury and the Turks, commanded by the Captain Pacha, in which the latter are stated to have lost some frigates.

It was estimated that not less than 50,000 bags and bales of cotton were imported into Liverpool, from the United States, Brazil and Portugal, between the 12th and 16th of July.

It was reported in London that arrangements were making for a dissolution of Parliament.

Mr. Canning had again experienced a severe attack of the gout.

Lord Cochrane is said, in several of the papers, to have some intention of going to the assistance of the Greeks.

Accounts from Madrid to the 25th June, speak of armaments going on in the ports of Spain, for the purpose of reinforcing Havana, and affording succour to the royalists in Peru.

Life of Napoleon.—The "News of Literature and Fashion" of the 2d July states, that the Life of Napoleon, by the author of Waverly, is *certainly* to be forthcoming. It is to be comprised in four volumes, besides a preliminary volume, bringing down the history of the French revolution to the day when Napoleon commenced his military career.

Mr. Jeffrey had resigned the editorship of the Edinburgh Review, which is now conducted by Mr. Macculloch.

Mr. John Taylor Coleridge is the new editor of the Quarterly Review.

For the Easton Gazette.

MR. EDITOR,

In perusing the columns of the Methodist Recorder, I was forcibly struck with the remarks in a piece headed "The want of the Bible in New Jersey." This piece is said to be copied from the American Journal, published at Princeton, N. Jersey. The writer states, that in less than three hours ride from the office of the aforesaid American Journal, the traveller will be brought to the spot where in a single day's walk, thirty families have been recently discovered, who had no Bible in their houses, and that these families expressed a strong desire to have the Bible, and that they were, almost without exception, too poor to purchase one for themselves.

Now, Mr. Editor, I confess to you, that I was not a little surprised at the statements made by the writer of the aforesaid piece, especially when it is recollected that the place above alluded to, is within less than three hours ride of Princeton, at which place there is a *Theological College*, and that this College for many years has been in the full tide of successful experiment, and that there have been many, very many Gospel Ministers manufactured there; it proves to me, if the facts as stated be true, that that institution is very defective and culpable in its principles, spirit and operations. For we should suppose that among the many Gospel Ministers educated, converted, sanctified, called, qualified and sent out by Jehovah and his Church into the great harvest field, that some of those young and old men, whether professors or students, would certainly have gone out, explored, searched for and found in the heat of their well tempered and regulated zeal those poor, despised, miserable lost sheep, in the wilderness of New Jersey, before this time of day, especially where there is so much religious excitement, and that they would, out of the large and abundant contributions made and continued to that institution, have purchased thirty Bibles, or out of their own private purses and furnished them with the word of life; more especially as it is stated that they expressed *a strong desire to have the Bible;* or will it be pleaded that this is a neighbourhood never discovered before, that it is an island sprung up in some river or lake which brought with it those miserable human beings which inhabit it, or that they have lived in caves and dens of the earth, and that they heretofore were wild and ferocious like bears, tigers and wolves, and that lately they have by some act of *hokus-pokus* been tamed and brought into civilized life and society and that this is the first opportunity which has offered since the College at Princeton has been established, to present them with the Bible. *O! ye Bible Societies, O! ye Ministers of Righteousness, O! ye lovers of Jesus Christ, O! ye Presbyterians, Quakers, Church men, Methodists, Legislators, Judges, Magistrates of New Jersey!* is there not some chosen curse, some hidden thunder in the stores of Heaven, red with uncommon wrath to blast the men who have suffered so many families to remain destitute of the rule, the only sufficient witness of christian faith & practice. Who is to account for the blood of those souls that may have been lost out of those miserable families by such neglect? I beseech you to look to this business, there must be an awful account in the registers of Heaven against the people who live in the region round about this miserable neighbourhood, look to it Princeton, look to it New Jersey, for much was to be expected from you; poor Jersey, who would have thought that there was so much wretchedness there; certainly the spirit of piety is flown, there is no flesh in man's obdurate heart, it does not feel for man; what thirty poor families without the Bible, with a strong desire to have it and no means to purchase it! Is this in a christian land—tell it not in Gath—tremble Jersey, tremble. What avails you this your Theological seminaries, if, within less than three hours ride of Princeton, thirty families are found without the Bible, desiring strongly to have it, and no means to purchase it. Certainly Jersey is one of the poorest countries in the world; if those families or some friend in their behalf will apply to the Christian people of the State of Delaware, they shall be furnished without fail, and we shall be glad to have it in our power to administer to the wants of such miserable families.

A DELAWAREAN.

August 8th, 1825.

FOR THE EASTON GAZETTE.

THE ELECTION.

Will the people of Talbot, when they see such great and important questions coming before the next legislature so extensively and vitally affecting their interests, remain quiet, sunk in sloth, leaving it to the chapter of accidents to send who ever may chance to get to the General Assembly by a general scramble? It is this irresolute, dont care sort of state, that destroys Republics by yielding every thing to bad direction—we implore our fellow citizens to think of their own wellfare and that of the state, and to call out men into their service who may arrest the wild proceedings *of changing their constitution—of subverting their Government by conventions—and of putting down the power of the people in the counties by increasing the representation of the commercial city of Baltimore*—If such things in prospect will not rouse the people, then indeed their condition is hopeless, and they will no longer boast of popular rights and popular sovereignty.

A VOTER.

The Boston Centinel states, that Alderman *Bellows* has been added to the Committee on the *Fire Department* of that city. What a *blaze* there will be shortly, unless they clap an *extinguisher* upon the worthy Alderman!

N. Y. Com. Adv.

The following toast, drunk at the fourth of July dinner, in Georgia, is fully characteristic of the Governor of Georgia as well as of his violent partizans. We do not apprehend that the nation will benefit much by the removal of the Creeks, if they are to be succeeded by greater savages than themselves.—*N. Y. Amer.*

"George M. Troup—May every hair in his head be a standing army, and every soldier be a thundering cannon to drive his enemies to hell."

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