were ground on a sand-bar near the middle of the Ohio, a quarter of a mile below the lower point of the Island, opposite to the mouth of Cumberland river, where the water ran so swift by them, that a person in any boat floating by could not have five minutes conversation with any one on board, and the water was so swift that it was difficult to dash to them, that when I left the gun-boats at that place to come to Congress, a few days before the water, in the Ohio rose, and took them off the barr and they proceeded, there was but one rifle and two large pistols on board of them, nor was there more arms on board of them until they arrived at Orleans, that I have heard.

On Sunday evening last, I received by mail a letter from Mr. Bradford in which he disavows his having used my name in the manner which gave me unpleasant sensations, and of course puts an end to my enquiries for the author of he unfavorable reports. I herewith send you extracts of that letter so far as it respects my character. I wish you to give publicity to my letter, and the answer, in order that any unfavorable impressions may be removed, which the publication of commodore Shaw's deposition on the minds of persons unacquainted with me may have made. I am, with due respect, &c.

M. LYON.

Washington, Jan. 6, 1808.

Extract of a letter from James M. Bradford, to Mathew Lyon, dated New-Orleans, Dec. 1st, 1807.

"Dear Sir,

"You have doubtless read with as much surprize as I have astonishment, the affidavit of Commodore Shaw read in the trials at Richmond. I have sat down to endeavor to set your mind at rest on that subject, and as you know me well, I cannot conceive it further necessary to convince you that I never was guilty of such odious falsehood as there imputed to me, than promptly and explicitly to deny it, but to my own reputation and that of Captain Talbot and yourself, I owe something more than private communication. I have prepared, and shall this week publish, a statement of facts which will place the affidavit in its true light, and remove any false impressions that might be made thereby on the public mind."

"Must conclude by requesting you to suspend any unfavorable opinion of my veracity you might be inclined to form until you see my explanations.

With due respect, I am,
Your obedient servant,
JAMES M. BRADFORD.

"COL. M. LYON."

Court of Enquiry in the case of General Wilkinson.

On Monday, about 10 o'clock, the Court of Inquiry in the case of General Wilkinson, was opened at Morin's Tavern.

Present. Colonel Burbeck, President, and Colonels Cushing and Williams.

The members of the Court were first sworn by Mr. Jones, the Judge Advocate, who was then sworn by the President.

The Judge Advocate read an order from the Secretary of War, dated January 7, ordering in compliance with the request of General Wilkinson, a Court of Inquiry, consisting of the above gentleman, and naming Walter Jones, Judge Advocate, on the charge of General Wilkinson having been, or now being a pensioner under the government of Spain while holding a commission under the United States, with instructions to report to the department of War a correct statement of their proceedings together with their opinion thereupon.

After a short pause the President, enquired of the Judge Advocate, whether he had any papers or evidence to submit to the court. He replied that he had not; that he had supposed Gen. Wilkinson would have intimated the witnesses he wished summoned.

A conversation then ensued among the members of the court on their course of procedure. It was observed that if the papers before the House of Representatives were to be viewed as the ground of enquiry from the proceedings of that day it was uncertain whether they would be transmitted to the Executive (from whom it was most probable the court would receive them) and at what time, as the subject was understood to be still pending before them; that at any state it was not likely they could be received until Wednesday.—One of the members added that General Wilkinson had intimated to him, that although ready to attend the court at any time, as he supposed nothing material would be done before that day, he would not sooner attend, unless otherwise desired.

It was thereupon ordered that the court stand adjourned till Wednesday at 10 o'clock A. M.; that the Judge Advocate informed the Secretary at War, that the Court were met and had nothing before them; and that he likewise informed General Wilkinson that they were assembled and were ready to receive any thing he might have to offer.

On Wednesday, a little before noon, the court was opened; when the Judge advocate said, that having a motion to make which required deliberation, he would move that the court should be cleared. The court was accordingly cleared and remained cleared for near an hour. On the doors being opened, the Judge advocate read the following decision of the Court:

Perceiving the Editor of a public News-paper in the act of taking notes, it was thought proper to consider whether, the daily publication of the proceedings was, or was not, consistent with the rules which the impartial administration of justice render indispensable.

The rule in all military courts respecting evidence is, that in order effectually to guard and preserve its purity, no person cited to appear as a witness shall be allowed to be present during the examination of any of the previous witness.

It would be a species of subornation & afford a valid objection to testimony, if a witness by hearing all that had been previously testify, should model his evidence by that of the witnesses before examined; [see Tytler p. 130.] yet who can say that this previous testimony would not influence even well intentioned witnesses? and it would certainly give consistency and uniformity to any combination that impure witnesses might make, either to persucute an accused person, or save a criminal.

By the Constitution of the United States no man can be convicted of treason without two witnesss to each overt act; the probable intention of this was to prevent combination, for by examining two witnesses to any one act separately and apart from each other, a combination would be detected; but if a transcript of the previous testimony were put into the hands of a succeeding witness, this wise provision in the Constitution would be rendered nugatory, and the injury done to the administration of justice would be the same, whether the effect were in the nature of mercy or cruelty.

It might be said that in crowded courts of justice persons cited to be witnesses *are* generally present when previous witnesses are examined; but to say nothing of the nature of the case where owing to a numerous audience, the court cannot tell *who* are present, there is a wide difference between what may be retained in the memory by hearing what is delivered, and having a fair copy which might be learned by heart; indeed the chance of inaccuracy in remembering oral testimony is so great, that the discovery of a combination is not merely probably but almost certain by the conclusion such witnesses would be liable to.

Military courts generally sit in garrisons or camps, and naval ones always sit on board of ships; under these circumstances persons cited to be witnesses are always kept out of court while previous witnesses are under examination; and where the audience happens to be numerous or from any other cause there is a possibility of such evidences being accidentally present, the Judge Advocate expressly gives public warning for them to retire.

No witness is allowed to read his testmony and so cautious are courts, and so anxious to guard against subornation that preliminary questions whether the witness has been instructed what to say, are sometimes put: all a witness can be allowed is to recur to notes in cases where detail as to dates, and such like minutiae, are necessary to establish a fact with accuracy.

A court of enquiry is in its nature a preliminary court, and may be succeeded by a court of judgment. It therefore has no power to inflict punishment nor even to give opinion as to the guilt or innocence of the accused, unless specially required so to do. If therefore the defendant now before this court were to be hereafter brought before a court martial, the publicity of the testimony would be a violation of the fundamental principles of justice, which (as far as human nature is capable) requires that the mind of the Judges should be influenced by any previous information on the subject:—The publication of matters within the jurisdiction and in possession of a court is esteemed a contempt, and attachments have issued on the publishers who being brought before the court have been sentenced to imprisonment.

From the foregoing it is clear that no person not a member of the court, except the prosecutor and the defendent, can be allowed to take notes of the testimony but it may be asked why not publish the proceeding daily under the restriction not to note the testimony.

In answer to this it may be asked how is such a restriction to be carried into effect? Once admit the writer and the power is in his own hands. But how could the best intentioned writer avoid running into the testimony in detailing the proceedings, which are made up of testimony, observations upon it, questions arising out of it, and decissions which would convey no idea if unaccompanied by it. What then is the reporter to publish? The mere ordinary forms usual in all courts? This would not be considered by the public as worth the reading; it might indeed excite curiosity but could never satisfy it.

Besides the foregoing reasons the court are uninformed of any precedent in this or any other country where the proceedings of a court of enquiry were published before they were concluded and submitted to the authority by which the court was constituted.

The court have heretofore decided that no person, except he be either a prosecutor or defendant, can be permitted to take notes at any of its sittings.

NOTE.—*This decision arose from the Editor of the National Intelligencer having attended the sittings of the Court, with the view of takiug down their proceedings and publishing them.*

The court then adjourned to Friday at 10 A. M.

We understand that Messrs. John Randolph, Daniel Clarke, and John Rowan, have been notified to attend as witnesses.

(BY AUTHORITY.)

AN ACT

Supplementary to the act, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States."

BE *it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That during the continuance of the act to which this act is a supplement, no vessel licensed for the coasting trade shall be allowed to depart from any port of the United States, or shall receive a clearance, until the owner, consignee, agent or factor, shall, with the master, give bond with one or more sureties to the United States, in a sum double the value of the vessel and cargo, that the vessel shall not proceed to any foreign port or place, and that the cargo shall be relanded in some port of the United States.

SEC. 2. *And be it further enacted,* That the owner or owners of all vessels licensed for fisheries, or those bound on a whaling voyage, and having no other cargo than sea stores, salt, and the usual fishing tackling and apparel, shall give a general bond, in four times the value of the vessel and cargo, that they will not, during the continuance of the above mentioned act, proceed to any foreign port or place; and will return with their fishing fare to some port or place within the United States: *Provided,* That it shall be lawful and shall be sufficient in the case of any licensed vessel, whose employment has uniformly been confined to rivers, bays and sounds, within the jurisdiction of the United States, to give bond, in an amount equal to three hundred dollars for each ton of said vessel, with condition, that such vessel shall not be employed in any foreign trade during the time limited in the condition of the bond.

SEC. 3. *And be it further enacted,* That if any ship or vessel shall, during the continuance of the act to which this act is a supplement, depart from any port of the United States without a clearance or permit, or if any ship or vessel shall, contrary to the provisions of this act, or of the act to which this act is a supplement, proceed to a foreign port or place, or trade with, or put on board of any other ship or vessel, any goods, wares, or merchandize, of foreign or domestic growth or manufacture, such ships or vessels, goods, wares or merchandize shall be wholly forfeited, and if the same shall not be seized, the owner or owners, agent, freighter, or factors of any such ship or vessel, shall for every such offence, forfeit and pay a sum equal to double the value of the ship or vessel and cargo, and shall never hereafter be allowed a credit for duties on any goods, wares, or merchandize, imported by him or them into any of the ports of the United States. And the master or commander of such ship or vessel, as well as all other persons who shall knowingly be concerned in such prohibited foreign voyage, shall each respectively forfeit and pay a sum not exceeding twenty thousand, nor less than one thousand thousand dollars, for every such offence, whether the vessel be seized and condemned or not. And the oath or affirmation of any master or commander, knowingly offending against the provisions of this section, shall ever thereafter be inadmissible before any collector of the customs of the United States.

SEC. 4. *And be it further enacted,* That the exception made by the act to which this act is a supplement, in favor of armed vessels possessing public commissions from foreign powers, shall apply only to public armed vessels, and shall not be construed to embrace either privateers, vessels having letters of marque, or any other private armed vessels; but such private armed vessels shall be permitted to depart in the same manner and on the same conditions as is provided for other private foreign ships or vessels.

SEC. 5. *And be it further enacted,* That if any foreign ship or vessel shall, during the continuance of the act to which this act is a supplement, take on board any specie or any goods, wares or merchandize, other than the provisions and sea stores necessary for the voyage, such ship or vessel, and the specie and cargo on board shall be wholly forfeited, and may be seized and condemned in any court of the United States having competent jurisdiction, and every person concerned in such unlawful shipment, shall forfeit and pay a sum not exceeding twenty thousand dollars, nor less than one thousand dollars, for every such offence.

SEC. 6. *And be it further enacted,* That all penalties and forfeitures incurred by force of this act, shall be sued for, recovered, distributed, and accounted for in the manner prescribed by the act, entitled "An act to regulate the collection of duties on imports and tonnage," passed the second day of March, one thousand seven hundred and ninety-nine, and may be mitigated or remitted in the manner prescribed by the act, entitled "An act to provide for mitigating or remitting the forfeitures, penalties and disabilities accruing in certain cases therein mentioned," passed the third day of March, one thousand seven hundred and ninety-seven, and made perpetual by an act passed the eleventh day of February, one thousand eight hundred.

SEC. 7. *And be it further enacted,* That the time during which the act to which this act is a supplement, shall continue in force, shall not be computed as making part of the term of twelve calender months, during which goods, wares or merchandize, imported into the United States, must be re-exported in order to be entitled to a drawback of the duties paid on the importation thereof.

J. B. VARNUM, *Speaker of the House of Representatives.*
GEO: CLINTON,
Vice President of the United States, and President of the Senate.

January 9, 1808.

APPROVD,
TH: JEFFERSON.

ANACT

Supplementary to an act intituled "An act for fortifying the ports and harbors of the United States, and for building gun-boats.

BE *it enacted by the Senate and House of Represensatives of the United States of America, in Congress assembled,* That the President of the United States is hereby authorized to cause such of the fortifications heretofore built or commenced, as he may deem necessary to be repaired or completed, and such other fortifications and works to be erected as will afford more effectual protection to our ports and harbors, and preserve therein the respect due to the constituted authorities of the nation, and that the sum of one million of dollars, in addition to the sums heretofore appropriated, be and the same is hereby appropriated for that purpose, out of any money in the treasury, not otherwise appropriated.

J. B. VARNUM, *Speaker of the House of Representativs.*
GEO: CLINTON,
Vice President of the United States, and President of the Senate.

January 8, 1808

APPROVED,
TH: JEFFERSON.

TO THOMAS JEFFERSON,
PRESIDENT OF THE UNITED STATES.

We, the representatives of the people of Maryland, highly appreciating the happiness and prosperity of the United States, would do injustice to our own feelings, and those of our constituents. did we not, at this eventful crisis, offer to you this our testimony of the wisdom and integrity of your administration, and our approbation of those measures which under the guidance of Divine Providence, have secured to the American people the blessings of peace, whilst war and insatiate ambition have devasted the fairest portions of Europe. But when we indulge in mutual felicitations at the enjoyment of that tranquillity, under the auspices of which our country hath grown rich and great, we have most sincerely to lament, that an honest endeavor to do equal justice to all nations, under a dignified neutrality, hath not availed to exempt our happy shores from the sound of war. A national vessel, bound to a distant service, hath been wantonly and unprovokedly attacked by a British ship of war, in sight of our own coast, & almost within our own harbors—the blood of our brave seamen hath flown in this barbarian outrage, and their lives have fallen the victims of piratical domination—other American citizens, sailing under the protection of that flag, and in the service of their country, have been dragged from that protection and service, confined in a degrading captivity, and compelled, ignominiously, to fight in the war of nations with whom we are at peace, and in whose animosities, the government of our country evince no participation. The citizens of Maryland, indignant at this flagrant and unprecedented outrage upon our national character, assembled in various districts of the state, and manifested their feelings in addressings the constituted authorities of their country in strong and energetic language, and we, the common organ of their will, would unfaithfully represent that people, did we fail to reiterate their high resentment and patriotic determination, to brave all the calamities of war rather than tamely to submit to the tyranny and insolence of any nation.

Well aware that the peace of our country is menaced from various quarters, and that it is our duty to take a firm and decided stand against any nation that may demand concessions incompatible with our honor and independence, we avail ourselves of the moment, to declare our confidence in the firmness and energy of the present administrators of our government, and our disposition to sacrifice our lives and property in repelling the wanton aggressions or lawless claims of all nations. Although the blood of our countrymen hath been shed, and our citizens led into captivity, by the arm of a foreign power, and although domestic traitors have reared their hydra front, and endangered our peace and national happiness, still we indulge the pleasing reflection, that the government of our country have preserved a manly and dignified attitude, evincing to the world an unshaken determination to concede no point inconsistent with the honor of our country, and the safety of its citizens. But notwithstanding this well-grounded confidence, we should do great violence to our own feelings, and those of the citizens of Maryland, did we fail to communicate our sentiments upon one point in dispute between this country and Great Britain—we mean the general right of our flag to protect all American seamen who sail under it. It is with the most poignant sensations we recognize the fact, that thousands of our native citizens are at this moment confined in ignominious bondage on board of British ships of war, exiled from their country, their families and friends, and compelled ingloriously to fight for the establishment of principles repugnant to natural justice and the usage of nations; and it is with strong emotions of contempt we hear this inestimable right treated as trivial and unimportant, and declarations made, that the United States ought not to hazard the horrors and calamities of war for the protection of her citizen seamen. Though we fervently deprecate the evils of war, and though we highly appreciate the value of peace, yet we sincerely hope that the general protection of American citizens, sailing under our flag, will be made the *sine qua non* of our amity with every nation on earth.

While we duly appreciate the motives which induce you to decline being considered among the number of those out of whom made the choice of our next president is to be made, and whilst we revere the patriotism which dictated those motives, permit us still to indulge the pleasing hope, that when the next period of presidential election approximates, should the united voice of your country require it, those same motives, & that same patriotism, will induce you to sacrifice your own private wishes and convenience to your country's good.—But whatever may be your final determination, whether to retire to the bosom of domestic tranquility, or to remain the First Magistrate of a Free People, a faithful public service of forty years, hath erected a mouument in the hearts of your fellow citizens, which time will never erase. With a tender of our lives and fortunes to obtain an honorable indemnification for the past, and unequivocal assurances of security for the future, accept our best wishes that the most perfect happiness may await the evening of your days: and receive, as a tribute to your merits, the assurance of our highest consideration and esteem.

By the Senate, January 6, 1808.

Resolved, That the Executive of Maryland be requested to transmit the above Address to the President of the United States.

By order,
THO. ROGERS, Clk.

COMMUNICATION.

GENERAL WILKINSON.

The *Court of Enquiry* demanded by this veteran officer, convened on Monday; but, for want of the necessary documents, adjourned till ten o'clock this day.

The subject of investigation is highly important, and has already excited much sensibility. It is interesting, not only to the *General* and his personal friends, but also to the army, to the government, and to the public at large. A denunciation before Congress, by a member, *once* influential, the mass of testimony already adduced, and the consequent debates of that honorable body, are naturally calculated to bias the feelings and to induce the mind to prejudge the cause. Strong, however, in conscious integrity, the general has hitherto suffered and will continue to suffer, *in silence*—confident, that the result of the enquiry will be such, as to arrest the torrent of prejudice, and to place his character on high ground.—*Twenty years* of *General Wilkinson's* life has been devoted to public service; and the duties he has discharged have been highly useful to his country, and hitherto considered as equally honorable to himself. A reputation, like his, cannot easily be shaken. It is hoped the public will not be hasty in deciding on so important a case—but *pause* and *reflect*—till circumstances are fully elucidated; in short, till they have heard *both sides of the question.*

Nat. Intel.

The Georgia Legislature passed the following resolution on the 9th instant:

"*Resolved,* That the thanks of the Legislature be given to General Wilkinson, for his patriotic exertions in bringing Aaron Burr to trial."