

That it appeared to him unnecessary, if not improper to do so, as he might be called upon to decide the law, in reference to the facts that might appear on the trial of the prisoners.

That the only question then to be decided was, whether there was probable cause, supported by oath or affirmation, as required by the 6th article of the amendments to the constitution, to induce a belief that the prisoners were guilty of the crime for which they had been arrested. This question he said had been deliberately considered by the court, before the warrant issued, and he thought every thing in this inceptive state of the business, was regularly an ex-parte proceeding; he therefore had been against permitting counsel to argue on any question, except whether the offence was bailable, and whether under the circumstances, the court in their discretion ought to bail. They had, however, been allowed to argue in effect to the utmost latitude against the propriety of having issued the warrant. — Do this argument he had given the strictest attention, and could observe with Mr. Fitzhugh, that it would have been well addressed to the jury, if the prisoners had been upon their trial. It had however, produced no alteration in his opinion, as he still thought there was probable cause appearing to the court to authorise the commitment of the prisoners for trial.

To determine this question, said Mr. D. let us take a short view of the evidence.

The depositions of general Wilkinson prove unquestionably the connection of the prisoners with Col. Burr in carrying into effect one common intent or plan, and their knowledge of this view. They indeed shew, from the acts of the prisoners and their own confessions, their immediate agency in the furtherance of this scheme. If then it can be shewn that Mr. Burr has probably committed treason, their agency and connection with him, while possessing this knowledge of his treasonable views, create the same probability against them, as in the same reason all in this stage of the business must be considered principals. What then was the intention, the *quo animo* with which Mr. Burr's expedition was undertaken? This by general Eaton's deposition, is proved to be the separation of the western from the Atlantic states, and the establishment of a monarchy there, of which Mr. B. was to be the sovereign. It is probable he had another object also in view, the invasion of Mexico; but this does not appear to be distinct from his treasonable plan of dismembering the union. This treasonable intention is also stated in the confessions made to general Wilkinson by one of the prisoners. In the pursuit then of this object, we find that Mr. Burr had actually commenced the expedition, & that he expected to be at Natchez with an armed force at a certain period. It appears too, from the confessions of the prisoners themselves, that Mr. B. was levying a large body of armed men, and what may go far to prove their knowledge of and agency in that business, is, that the officer who was to command the first 500 men is stated by name. One of the prisoners also says that he had written to Col. Burr for provisions. Should these circumstances of themselves not amount to overt acts of levying war, upon which question, Mr. D. said he should at that time say nothing, yet when taken in connection with the situation of the country, the state of animosity existing among the people, and the active preparations of defence against an expected attack, they furnished strong prima facie evidence, that they had been followed up by the commission of other acts on the part of Mr. Burr and the prisoners, that would amount to a levying of war within the strictest definition of the terms. Nor is there any thing in the testimony, said Mr. D. that can positively exclude the inference, of an active co-operation, on the part of the prisoners in the different measures that are probably imputable to Mr. Burr.

Mr. D then remarked, that an observation made by himself on issuing the warrant, seemed not to have been correctly understood by the prisoner's council.

He had not said, that in the present case it was necessary to resort to public documents to aid the depositions in furnishing probable cause for the arrest; but he would not observe, as he had then done, that although the depositions did to his mind establish a probable cause on which he could act, yet that this probability was strongly corroborated by the message of the president & other public documents on the subject. That even admitting that the 6th article of the amendments to the constitution, which provides against general warrants, may require an oath or affirmation before any warrant can issue, yet he could not subscribe to the doctrine that the circumstances shewing the probable cause, must in all cases be contained in the oath or affirmation itself. If this principle be once considered correct, it would indeed, when taken in connection with the necessity contended for in the present case, of proving on a question of commitment, the positive existence of the offence charged, be the worst precedent, as it regarded the public safety, that could possibly be established, though at the same time it might be the most convenient cloak for treachery, even an authenticated record shewing the conviction of Mr. B. of treason, could be produced on the present question, would be deemed inadmissible in corroboration of the probable cause contained in the affidavits.

Mr. D. concluded by observing, that he was opposed to bailing the prisoners, for although the evidence might also have charged them with a misdemeanor in setting on foot an expedition against a nation at enmity with the United States, yet as they had been arrested on a charge of the highest offence against their country, nothing but their person could be considered an adequate security to the public.

MESSAGE

From the President of the United States, communicating the report of the director of the mint, of the operations of that institution during the last year.

To the Senate and House of Representatives of the United States.

I communicate, for the information of congress, the report of the director of the mint, of the operations of that establishment during the last year.

TH. JEFFERSON.

January 27, 1807.

MINT OF U. S. Jan. 1, 1807.

Sir, At the commencement of the present year, I have the honor of laying before you a report of the operations of the mint during the last year.

From the treasurer's annual statement it will appear, that during this period there have been struck at the mint, gold coins to the amount of 324,575 dollars, and silver coins to the amount of 471,319 dollars, making the total amount 795,824 dollars, and the number of pieces 1,111,409.

By comparing this year's coinage of the precious metals with that of the ten preceding years, the time that the mint had been in full operation, it will appear that though the expense has been comparatively moderate, yet the amount struck is nearly double the average annual amount during that period, and the number of pieces (the most accurate measure of the quantity of labor) considerably more than quadruple.

This favorable circumstance may, in a great measure, be ascribed to the regular supply of bullion, furnished chiefly by the bank of the United States, and the bank of Pennsylvania; nor is there any doubt of the like supply during the present year.

It will be observed that but little has been done in the coinage of copper during the last year. This was owing to the cent-press requiring a new screw, and other repairs, which it was not easy to procure; and besides it was but seldom that a hand could be spared for this purpose from the more urgent business of the mint.

Arrangements are however now made for carrying on this coinage during the present year, which it is hoped will fully supply all current demands for this species of coin.

I have the honor to be,

With sentiments of the most perfect esteem,

Your obedient servant,

R. PATTERSON.

Thomas Jefferson, President of the United States.

AN ABSTRACT

Of the expenditures of the Mint of the United States, from Jan. 1 to Dec. 31, 1806.

Sdhs. Wages. Incidentals. Totals
1st Qr. 2650 1376 91 415 98 4472 89
2d Qr. 2650 1368 65 823 36 5041 42
3d Qr. 2650 1632 68 386 35 4669 01
4th Qr. 2650 1772 11 1924 27 5446 38

Amount, \$ 196,970
Mint of the U. States,
Treasurer's Office,
Philadelphia, Dec. 31, 1806.
BENJAMIN RUSH.

A STATEMENT

Of the coins struck at the mint of the U. States from Jan. 1 to Dec. 31, 1806.

GOLD COINS.

Half Eagles. Quare E. Am's S.
First quarter 5330 1616 3589 9
Second quarter 3746 18750
Third quarter 36759 18795
Last quarter 17658 8829

65,799 pieces of gold coin 64993 1616

SILVER COINS.

Half Dollars. Quarter D.
First quarter 138390 69195
Second quarter 190740 200000 146370
Third quarter 256239 6124 119646
Last quarter 274216 137108

1,043,700 pieces of silver coin 839576 206124

COPPER COINS.

Cents. Half Cts.
First quarter 341000 3410
Second quarter 7000 70
Third quarter 179000 895
Last quarter 177000 885

704,000 pieces of copper coin 384000 356000

Total amount of copper coin 5260

1815409 pieces of coins struck in 1806, amounting to \$ 801084

Mint of the U. S. Treasurer's Office, Philadelphia, Dec. 31, 1806.
BENJAMIN RUSH.

BY THIS DAY'S MAILS.

NEW-YORK, February 11.

ARRIVED.

The schr. Venus, Oliver, 8 days from Wilmington. She was driven ashore on the East Bank on Monday. The captain and crew left her in the long-boat, about 5 o'clock the same evening, and did not reach Staten-Island until the next morning, having been all night in the ice. She has received no damage.

Cleared, brig Sally, Penrick, Cork; schooners Sally, Williams, West-Indies; Emily, Buchan, Bermuda; Brothers Adventure, M-Hanson, Halifax; sloop Frederick, Van Pelt, St. Croix.

The British sloop of war Bermuda, captain Byam, got under way yesterday afternoon, and stood out. She drifted through the Narrows in a calm, about 4 o'clock, with an intention, no doubt, to make a harbor, as she was in danger of being injured by the ice.

Lighters were sent down yesterday to the brig Sarah Ann. She lies easy aground in the Swash, about a mile below the Narrows.

The Emeline got up yesterday, and is safe in dock on the north side of the town. The ice has so much decreased, that nothing was wanting yesterday but wind, to enable vessels to go to sea.

Below last night, a ship and brig—Wind very light from SSE. A storm apparently approaching.

PHILADELPHIA, Feb. 12.

Though the wicked join hand in hand, yet they shall not escape punishment.

We understand that the grand jury of the city, Tuesday last presented a bill of indictment against William Dugan and Michael Leiby, for a CONSPIRACY, by threats and promises, to overawe and unlawfully to influence the official conduct of the governor, in the pending inquiry into the legality of the late election of a sheriff for the city and county of Philadelphia. As the matter is thus put in the course of legal investigation, it would be improper to say more, than that we are informed that the bill is founded in substance upon the facts stated in the communication recently made by gen. Barker. F. J.

NASHVILLE, January 1.

The heart of every lover of our country must glow with the most fervent emotions of patriotism on reading the following communications. It will be recollected that the characters who compose the "CORPS OF INVINCIBLES" are old revolutionary veterans, who have fought and bled for the independence of their country, and whose age and decrepitude have almost deprived them of that bodily strength requisite to use the weapons of defence—but when their rights are threatened—with that love of country—which that godlike bravery and virtue which excited them to step forward to establish their independence, have prompted them to offer a sacrifice of their lives and property to preserve it. Let the recollection of their bravery stimulate the youth of our country to tread the path of honor and glory which they have done, and like them become its ornament and its pride. [Rev. Edit.]

To Major General Andrew JACKSON.

At a moment when great sensibility and even fearful apprehensions for the welfare of our country, have been excited, from one end of the continent to the other. When our government, the best calculated of all others, for the attainment of individual security and happiness, has sounded the tocsin of alarm, to be on the alert in suppressing combinations of men, hostile to the integrity of the union and interest of our country. It behoves all men either aged or youthful, to coalesce in their attachment to their country. In the affections of the citizens our government exists—not in oppression and unnecessary coercion, as in other countries. These principles which eminently characterize republican institutions, clearly demonstrate, that every citizen, whatever his situation may be, ought to contribute, in some mode, to the support of the government under which these inestimable blessings are enjoyed. The infirm, by their opinions and exhortations—to their experience belongs. They know the incalculable blessings of freedom of thought, speech, action—security of persons and property. Patriotism is their claim, though not exclusively, in a country of freedom. This is an important crisis, when the limits of legal active exertion, ought not to be sought with a microscopic eye. So far as our bodily powers will admit, we cheerfully submit to the rigors of military institutions. Our country will require nothing unnecessarily of us. The thread of age will not be broken, but it will be used to the extent of its strength.

Under these impressions, we agree to embody ourselves—aged and infirm as we may, be, offer our services and our fortunes to our country, in support of the laws and constituted authorities.

General James Robertson, captain. James Hennen, surgeon, General Thomas Overton,† Major Howel Tatum,† Major Clem Hall,† Captain James Tatum,† Major William T. Lewis,† Colonel Joel Lewis,† Colonel Robert Hays,† Captain William Richard,† Captain Stephen Cantrell,† Captain Robert Edmondson,† Major William Walton,† Captain William Lyles, sen.† Captain Joshua Hadley,† Captain John Beck,† Captain John Park,† Captain Joseph Coleman, mayor, Nashville.

William Tait, Thomas Talbot, George Poyzer, Thomas Dillon, William Whorton, George Whorton,

With others, old veterans composing a company, all over fifty years of age. All those marked thus † were officers in the revolutionary war.

General JAMES ROBERTSON, and the corps of *Invincibles*, you have the honor to command.

The tender of your services at this serious crisis, when our government has warned us to be watchful, is honorable, not only to yourselves, but the country in which we live. It is interesting and grateful at the present moment. The executive of the union, in whom we all have confidence, will not only receive it with pleasure, as a mark of attachment to the government and laws; but the faithful historian of passing times, cannot avoid noticing it as an instance of patriotism to be found only in republics; for their support they rest on the opinion and affections of the people and above all governments, union of sentiments and action is necessary.

Thof' all citizens must be sensible of the inestimable blessings we enjoy, yet your generous expressions of them, has filled me with emotions of ardor as extraordinary as the occasion which gave birth to them—may all men cherish such sentiments as my sincere

wish. Age, in a government of laws and freedom, is entitled to a claim of patriotism, but it is equally entitled to the highest respect from youth. The frost of age and experience, is as necessary in the moral as in the physical world. The dissipated attention of man is collected, and the natural relaxation of youth invigorated. Hence our union of sentiments in the position, that all men ought to contribute their mite, in some mode, to the public good. But when age, in its wisdom, bounds beyond its ordinary limits of counsel and admonition into the hardy field of exertions! My God! how can I express my sensations!

Age, from the immutable principles of the law of nature, is entitled to an exemption; but should the danger which threatens our country, require your services in the field, it is hoped that the occasion may be temporary, and that you will not be wanting in the field of battle, where your years and meritorious services will be duly considered. There your commander well knows, that your former services, presence and bravery, will be equal to a regiment of men.

Accept the thanks of the government, and of your general to whom you so generously offered your services, with the sentiments of my grateful respect. ANDREW JACKSON, Maj. Gen. 2d Division.

WILMINGTON, N. C. January 27.

The ship Diana, James Budge, belonging to Messrs. Thomas L. Wise and Son, merchants of Boston, 40 days from St. Ubes, for Baltimore, loaded with salt, Jan. 8, in lat. 33 N. long 74 W. having had gales from the westward, at 8 A. M. sprung a leak, which increased hourly—At 4 P. M. spoke brig Amazon, capt. S. Stone from Newburyport bound to Wilmington, capt. B. requested capt. Stone to keep him company that night, which he did. The Diana making water that night so fast that both pumps could not keep her free, at 10 A. M. Jan. 9th, having four feet water in her hold, captain B. bore down for the Amazon, and requested captain Stone to take him and the crew off, as they found it impossible to keep her up any longer. When captain B. and crew left the Diana she had nine feet water in her hold, and in one hour after they left her she went to the bottom.

FEDERAL GAZETTE.

FRIDAY, FEBRUARY 13.

So great has been the fall of rain to the southward and westward, for several days successively, that the water courses have become, in many places, impassable. The *Washington Mail* has not arrived to-day.

BANK OF LOUISIANA.

At an election which took place on the 5th January last, for directors of the Bank of Louisiana, the following gentlemen were elected:

Nicholas Girod, Samuel Winter, Paul Lamsse, Michael Fortier, Thomas Urquhart, Jean Baptiste Labatut, Francis Duplessis, Julien Poydras, Francis Livandais-Fils, James Carriac, Richard Relf, Jean Soulie, JOHN M'DONOGH, (from Baltimore) William Donaldson, Joseph Faurie.

The day of the trial of capt. Whitby, for the killing of Pierce, has been respectfully communicated to our government. In fixing the time of trial the British government in a spirit of conciliation has manifested, we understand, a cordial disposition to consult our convenience as to the sending forward of witnesses in behalf of the prosecution. And we are informed that, under arrangements already made by our government, seven or eight witnesses are about proceeding immediately for England.

We are well assured that the last letter to our government from our ministers at the court of St. James's, is dated November 11, and that then the treaty between the United States and Great Britain had not been made.—It is, however, conjectured from the dispositions evinced on the part of the British government that a treaty has since been made, and that it is now on its way to the United States. [American.]

Extract of a letter from Washington to the editor of the *United States Gazette*, dated Monday, Feb. 9.

I observe by the Philadelphia and Baltimore papers that you are seriously discussing the question, whether a treaty has not been made with Great-Britain and our differences adjusted. There is no such news here. Dispatches in cypher have been received from our ministers at London, but nothing of their contents has transpired. Can it then be believed that they give information of the conclusion of a treaty? It was currently reported here and at Alexandria about a week since, that the negotiations were broken off, but the report was contradicted the next day.

German Evangelical Reformed CHURCH LOTTERY.

500 tickets were drawn of which the following are prizes:

Prize of \$100 No. 10977.
Prize of \$50 No. 6168.
Prizes of \$20 Nos. 6257 19747.
Prizes of \$6 Nos. 96 1183 1593 1803 1967 2103 3144 7777 7634 7842 8787 10102 10137 10646 11280 11283 11464 11455 11479. And 477 three dollar prizes.

Gain of the wheel \$765. Tickets still to be had of Mr. John Schultz, German street; Messrs. Warner & Hanna, and of the Managers, to wit: Adam Welsh, Jacob Hoffman, Kraber and Frey, Jesse Slinguff, John Stouffer, M. Eichelberger, John Reese, William Foltz.

The lottery will continue to be drawn (for the present) every Monday, at 3 o'clock, P. M. at Myer's Hotel, Market street. February 11. d3t

PANTIFLEON.

COGENT reasons, not material to be publicly assigned, have occasioned a postponement of the debate advertised for this evening. On Saturday next, the following question will be discussed:

"In prosecutions for libels, ought the defendant to be permitted to justify himself by giving the truth in evidence?"

February 7. d4t

Fire Companies Take Notice.

In consequence of but few members meeting last evening from some of the companies, it was resolved to meet by adjournment on Monday Evening, at half past 6 o'clock, at Mr. Bryden's, for the purpose of re-issuing the Mayor and City Council, to assign the original assign of the meeting—as the meeting is important, and matters of consequence will come before them—it is hoped that each company will be fully represented on the occasion. February 12. d4t

Sale by Auction—Continued.

On MONDAY Next, The 16th instant, at 11 o'clock, at the warehouse lately occupied by Joseph Hinkins, Jan. deceased, will be sold the remainder of his personal property, which could not be sold last Wednesday, for want of time.

Consisting of A quantity of Combs with and Tinman's Tools, Moulds, Flasks, Black Tin, O'd Copper, Pewter and Lead, a Still and Worms. Terms of sale, all purchases above 50 dollars, a credit of 6 months, for approved indorsed notes; less than 50 dollars, cash. VAN WYCK & DORSEY, Auc'rs. February 13.

Codfish, Mackerel, Salmon, &c.

300 boxes Codfish, 200 kags Pickled Salmon, 100 do. Bowties & Sounds, 10 do. Mackerel, and 2 lbs. of Salmon, just received and offered for sale by ISATAH MANKIN, 69, Smith's wharf. February 12. d4t

I request all persons having business with me to call at the office of Sam. J. Donaldson, esq. as I shall be absent from Baltimore for a few weeks.

GARRETT BARRY. February 12. d4t

Election.

In conformity with the charter of the Bank of Maryland, an election for twelve directors, will take place, and be held at the Bank, on Saturday, the 7th March next, to commence at 10 o'clock, A. M.

By order, R. WILSON, Cashier, dtMh

February 13. d4t

Will be continued

A FEW WEEKS. For sale at a reduced price.

All the remaining stock in trade of John Pawley, consisting of

Cut and Plain Glass, Long and short Sets of China, J. panned and Queen's Ware. He returns his sincere thanks to his customers for all past favors.

N. B. All persons having left cotton or thread with the subscriber, to be made into Stockings, are desired to call for them immediately, or they will be sold to pay for the making. JOHN PAWLEY, No. 209, Market street. February 13. d4t

Eight Dollars Reward.

Run away from the subscriber on Sunday last, a negro woman, named ROSALIE, or SALLY, about seven and twenty years old, red skin, five feet two inches high, and plump made. Had on a dark coloured stuff gown, an under waistcoat, yellow flannel, a cotton shift, a mack madras head handkerchief, red handkerchief on her neck, blue yarn stockings, and shoes neatly worn out. She speaks Creole French, and bad English. She went out about eight o'clock in the morning. Whoever delivers her to the subscriber, No. 50, Waggon Alley, Baltimore, shall receive the above reward.

N. B. All masters of vessels and others, are forbidden taking away, or harboring said woman, being a slave, and introducing into this city according to the law of the state of Maryland.

JAMES COURREGES. February 13. d4t

For Boston.

The Schooner SUSAN & WILLIAM, Captain M. A. Luce, Will sail as soon as the navigation opens. For freight or passage, apply to JOHN BUFFUM, No. 84, Bowly's wharf. February 12. d4t

Notice.

THE Public are requested not to credit the crew of the brig Aid, as I am determined to pay no debts of their contracting. NICHOLAS SULLIVAN. February 12. d3t

Mackerel, Rum, &c.

160 barrels FAT MACKEREL, 4 blds. 4th proof Jamaica Rum, 20 Spanish Horse Hides, 20 boxes No. 3, Chocolate, 20 blbs. Glauber Salts. Received per schr. Susan & William, from Boston, for sale by THOMAS MAREAN, No. 86, Bowly's wharf. February 12. d3t

Two Cents Reward.

But no expenses paid, for apprehending and bringing home my bound apprentice, a white-Girl named MARGARET HOLMES, eleven years of age, supposed to be harbored with her mother Christmas, at a house near Thon as Chase's Vendue store, Second street, near the Marsh Market. They are both late from Alexandria, to which place they probably will attempt to escape.

All persons are hereby forewarned from harboring or carrying off the said apprentice at their peril, as they will be dealt with according to law. Dr. JOSEPH BREVITT. Second Mo. 12. d3t

GOOD PHILADELPHIA

Printing Ink FOR SALE AT THIS OFFICE. February 13. d