

ELEGANT LACES.

Miss LEVY,

Corner of St. Paul's Lane & Chatham-street. Has just received a new assortment of Rich LACES, and Cashmere Muslin SHORT DRESSES, worked with Cotton. She offers the above for sale on reasonable terms. She has a variety of handsome FLOWERS, and other articles.

Ladies can, as usual, be furnished by her with EMBROIDERY in Cotton, Gold, Silver, and Colours, as well as MARKING with durable Ink, and Painting on Satin.

M. L. Has a quantity of SUPERB WORKING COTTON, which she will dispose of to those who wish drawing down on any article they think proper to work.

Plain India MUL MUSLIN and French CAMBRIC can be furnished for CAP PATTERNS, &c. &c.

She continues to receive orders for Plain Sewing, which is dispatched with neatness.

MOURNING FOR LADIES. May 30. col2t

Nathaniel F. Williams,

No. 15, BOWLY'S WHARF. HAS FOR SALE. 250 lbs. No. 1. Boston Beef. 400 half barrels Mess and No. 1, do. 25 barrels Prime Pork, 50 do. Mackerel, 15 blids. N. E. Rum, 20 pipes Brandy, 6 quarter casks Sherry Wine, 300 boxes white Codfish, in excellent order. 400 do. Mould Candles, Hill's brand, 50 do. Spermaceti do. 300 do. Brown Soap, 50 pieces Ravens Duck, 100 bags Pimento, 40 legs Raisins, 2000 lbs Cheese, 2000 vts Campeachy Logwood, Wood and Cotton Cards, &c. &c. June 15. d6t

Just Received, A few bales Upland Cotton, FOR SALE BY RICHARD KEYS & SON. Bowley's wharf. June 17. d4t

Coleman and Taylor,

CABINET-MAKERS. RETURN thanks to their customers for the liberal patronage they have received while carrying on business in South and Water-streets, inform them and the public in general that they have removed to their

New shop and Ware-Room,

No. 52, North Quay-street. Where they have ready made elegant and plain furniture, new patrons of Sideboards, Chairs, Sofas, Bedsteads, Tables, &c. Being in a situation to carry on business with dispatch they invite their customers and others to call with or send their orders, which will be attended to with punctuality. They have also for Sale, Bay St Domingo MAHOGANY, Satin and Fancy WOOD, suitable for ornamental furniture. June 15. d12e6t

Bolting Cloths.

Millers and others, who deal in this article can be supplied on the best terms, by the in, voice or single piece, with Bolting Cloths, from No. 0 to 7, of a superior quality, from the manufactory of the "Three Kings," by applying to the subscriber. JOHN SPERRY, 35, Smith's wharf. d

All my Creditors

Are requested to take notice that I shall apply to Charles county court, at August term, eighteen hundred and seven, for the benefit of the laws passed in favor of Insolvent debtors, in the years eighteen hundred and five, and eighteen hundred and six. JOHN B. HANSON, Charles county, state of Maryland, June 6, 1807. [10] e2w4t

For Sale,

And worthy of attention. THE Subscriber being in the decline of life, and desirous of withdrawing from business, now offers for sale the following VALUABLE PROPERTY, occupied by him, lying in the centre of Chester-town, Kent county, state of Maryland, viz.

That valuable LOT OF GROUND, at the corner of High and Princess-street, 198 feet on the former, and 148 1/2 feet on the latter, on which are erected the following buildings: A two-story frame House, now occupied as a store, 50 feet on High-street, and 24 feet on Princess-street, weather-boarded with yellow poplar, dry cellar under the whole, and an excellent garret with ten dormer windows.

A two-story Granary or Warehouse, 75 feet by 32 feet—an extensive garret with six dormer windows.

A two-story brick House, 45 feet by 32 feet, with a large airy passage in the centre, well-finished, & a dry cellar under the whole—adjoining which is a two-story frame Kitchen, 26 feet by 18 feet, with a room for a house-keeper or nursery below, and bed-chambers above.

A Stable with nine stalls for horses and cows, a Carriage-House, Smoke House, Hen-House, &c. &c. and an excellent Garden, with a pump therein.

Also, a two-acre Lot of Ground, now in timothy.

The above improvements are faithfully built and in good repair; and this very valuable property is worthy of attention, and will be sold on moderate terms. Any person, desirous of purchasing, may apply to WILLIAM BURNESTON, or ISAAC BURNESTON, Baltimore; JOHN KENARD or LAMBERT W. SPENCER, Easton; or to the subscriber, on the premises. WILLIAM BURNESTON.

NOTICE.

ALL persons indebted to PHILIP F. RASIN & CO. are earnestly requested to pay their respective accounts, or close the same by bond or note before the first day of January next. Those whose accounts may be standing open at that date, may expect them to be placed in the hands of an attorney.

PHILIP F. RASIN & CO. August 20. e2w

To Let,

A two-story brick Dwelling HOUSE, No. 85, South Hanover-street, and possession given immediately. Apply on the premises, or at No. 13, South Charles-street. June 11. d

Trial of Col. Burr

TAKEN FOR THE FEDERAL GAZETTE

MONDAY, June 15.

General Wilkinson was sworn and sent into the grand jury.

Mr. Hay began by requesting the court to instruct as to the proper form of oath which should be administered to the grand jury. That if the oath which had been administered was not sufficient, that the witnesses should be sworn over again.

Mr. Bots had no objection to the oath.

Mr. Hay then informed the court that there were four indictments before the grand jury, two against Col. Burr, and two against M. Blannerhasset; one against each for high treason, and one for a misdemeanor.

Mr. Wickham moved the court that no papers which were not authenticated should be sent up to the grand jury. He wished solely for the opinion of the court on this subject.

Mr. Hay hoped the court would not agree to the motion, on a mere suggestion of the counsel. That it was very probable Gen. Wilkinson might during his evidence have occasion to lay before the grand jury several papers of importance, particularly those of correspondence on the subject then in question. That it was the duty of General Wilkinson to lay before the grand jury such papers, and he certainly would do so.

Mr. Hay had no objection, however, the court would communicate to the grand jury, either by word or writing, their opinion.

Mr. Bots replied. He said he understood on a former day that no papers were to go before the court but those which were properly authenticated.

Mr. Hay answered, that he had agreed to this before the arrival of Gen. Wilkinson. That he himself would send no improper papers before the grand jury; but that Gen. Wilkinson perhaps was possessed of many papers on this important subject. That very probably Gen. Wilkinson had those papers in his pocket. That he could not answer for what papers General Wilkinson might lay before the grand jury; but that he should pledge himself not to lay any unauthenticated papers before them. He hoped therefore Mr. Bots would withdraw his expression of surprise.

Mr. Bots replied he would not. That he was fully satisfied of the purity of Mr. Hay's intentions. That he knew too well his integrity to suppose he would knowingly act improperly. But that on the present point as well as on many others which have occurred during the course of the present proceedings they had differed, without any improper design on either party. If Mr. Hay himself was before the grand jury he could entertain no suspicions of any improper papers being laid before them; but that Gen. Wilkinson not having the same knowledge of law, might offer to the inspection of the grand jury several improper documents. He asked only for such an instruction on this point from the court as had been given on a former occasion by one of the most celebrated judges on the American bench. He then read the opinion of Judge Gripp, of South Carolina, on this important question.

Mr. Wirt said, as the opinion was quite a new one, he hoped the indulgence of the court for a little consideration.

Court. "Certainly, sir."

Mr. Luther Martin said there was no question but Gen. Wilkinson might have occasion to refresh his memory by recurrence to letters or papers. He had no objection to this; only that no unauthenticated papers should be submitted to the grand jury.

Mr. Hay said he was with Gen. Wilkinson yesterday, and he saw a large volume of papers before him. He did not know what these papers were, or whether or not he meant to lay them before the grand jury. Mr. Hay observed that he said on a former occasion he did not intend to advocate or defend General Wilkinson. That a vast deal had been said both for and against him. That from the conversation he had with him yesterday, he was perfectly satisfied with the correctness of his conduct. Mr. Hay had not the smallest objection to the proposition of Mr. Wickham, that the court should give what instructions they might think proper to the grand jury, with particular restrictions and qualifications that any witness might produce such papers as he himself could authenticate.

Mr. Martin said the gentleman was very willing to undertake the defence of General Wilkinson, but he would be permitted to say he could undertake a very Herculean labor.

Mr. Wirt after commenting on the opinion of Judge Gripp, said that Judge Gripp only alluded to papers not in the possession of the witnesses who might come before the grand jury, but letters or affidavits of deceased persons. He asked the court if it would not be highly proper that general Wilkinson should have the privilege of submitting to the grand jury whatever papers that might illustrate the statement he would give. Mr. Wirt said it appeared to him that all the papers in the possession of General Wilkinson which might throw a light upon the present transactions, would be the most proper evidence to be submitted to the grand jury.

Mr. Wickham replied, by adverting to the former promise of the public attorney, who seemed now willing to deviate from his promise, by drawing a distinction between the papers which he the attorney would submit and the papers which general Wilkinson might think proper to submit. That by this argument any witness might carry up improper papers; which would have the same improper effect upon the minds of the grand jury as if they had been carried up by the attorney himself. Mr. Wickham then mentioned the circumstance of a particular witness (Mr. Hay himself) who was prevented in the case of Judge Chase from refreshing his memory by the reading of particular memoranda.

Mr. Wirt asked the court if he ever stated that a narrative written by a third person would be proper evidence. He denied he ever made such a statement. He only alluded to original letters in the possession of General Wilkinson, which he could substantiate. He did not say what Mr. Wickham had made him say—that he did not wish absurd positions should be put into his mouth.

Mr. Wickham denied having ever put absurd positions into his mouth; but that his argument was absurd, which naturally and must lead to absurd positions. He did not say

what papers were in Gen. Wilkinson's possession were proper or improper. He only meant that neither General Wilkinson, nor any other witness, should carry up papers that did not previously pass through the hands of the court. The attorney's object however, was, that any witness might carry up what papers he pleased, which he should always oppose.

Mr. Hay stated that he meant no such thing. He only meant that the witnesses might be allowed to refresh their memories by papers, by looking to notes. He said Mr. Wickham attempted to support his argument by referring to the case of Judge Chase. He could not say what was done on that occasion. But he would say what was done in support of his argument, the case of Hardy and Home Tooke in England, where a witness was allowed to refresh his memory in open court by referring to notes.

Mr. Bots replied, in the case of Chase, legal or not, it was decided by the unanimous vote of the senate.

Mr. Hay denied it was so decided.

Mr. Martin affirmed it was.

Mr. Bots proceeded, and detailed in full the circumstances of the case before the senate, the witness in question having been Mr. Hay himself. He afterwards enforced his argument by stating several improper effects that necessarily would arise were the witnesses at liberty to produce letters and papers to the grand jury, that had not passed through the inspection of the court.

The Court delivered their opinion, that as the grand jury had the privilege of sending for witnesses, they had also the discretionary power of judging of the reception of whatever papers they might offer, if those papers formed a part, or regarded the transactions respecting which the witness was deposing.

Mr. Hay begged to observe to the Court, that Gen. Wilkinson might not only refer to letters directly to himself from the person accused; but all such letters or papers that related to his deposition.

The Court was of opinion that the witness could only resort to letters or facts directly communicated from the accused to the witness.

Mr. Hay answered, by this that all the difficulties could not be obviated. That it was necessary that Gen. Wilkinson would vindicate his conduct and all his actions to the grand jury; but he could not do this by the simple production of letters from the accused to him.

The Court adhered to their opinion.

Mr. Wickham said that whenever General Wilkinson himself came on trial, he would have no objection to the production of the papers required; but this was not the case at present; Gen. Wilkinson was not on trial, and therefore could not be admitted to produce on the trial of another, papers that related to himself.

Mr. Wirt supposed it was competent to the grand jury to examine into the competency of any witness, and therefore had a right to see any papers which might satisfy them as to the credibility of any witness. They therefore had a right to put any question by which they might be able to procure the fullest satisfaction.

Mr. Martin opposed the doctrine of Mr. Wirt; because by it, any paper whatever might be produced to the grand jury, as being part of the narrative of the witness.—That by this latitude which the attorney has taken, every paper in the world might be produced.

Mr. Wickham proposed, that if the grand jury had a difficulty with regard to the admission of any paper, that it should be laid before the court.

Mr. Edmund Randolph hoped, that some time should be given to the consideration of the question, as being of some importance.

Mr. Wirt detailed several occurrences that took place in the trials of Hardy, Took and Thelwall, particularly the reading of the proceedings of the Edinburgh convention, as being connected with the case before the court.

Mr. Wirt stated that a letter signed Alexander Mitchell was read as a proof against Hardy; although this Mitchell was no ways known as being connected with Hardy and the others.

Mr. Martin said, he would suggest to the court the impossibility of going into the argument at present.

Mr. Wickham said, that all the authorities mentioned by the attorney related to accomplishing the king's death. That therefore they were quite inapplicable in the present question. He therefore proposed, that the court would direct the grand jury, when they were at a loss upon any particular point, to submit it to the court.

Mr. Hay attempted to shew, that the case of Hardy, &c. was perfectly applicable to the present case. That to shew there was a difference, and wherein the distinction lay, no doubt would occupy eight days, as he believed Mr. Martin said.

Mr. Martin interrupted him by saying he only said one day.

The attendance of doctor Bollman being required by the grand jury, Mr. Hay moved that doctor Bollman should be asked to decipher a certain letter found in the possession of Mr. Wyley. This was objected to by the counsel of Col. Burr, who contended that no letters or papers ought to be sent to the grand jury without having passed the court.

The court accordingly drew up certain instructions to the grand jury, which upon being submitted to the counsel on both sides and undergoing a slight alteration, were sent to the jury.

A long and desultory argument afterwards took place as to the propriety of Mr. Wyley's answering certain questions which might be propounded.

Mr. Wyley and his counsel Mr. Williams, contended that giving answers to the questions of the attorney might criminate himself.

The questions proposed were chiefly of the following nature. The attorney produced in court a letter partly in cypher and partly written in the Dutch language, which letter was alleged either to have been written by Mr. Wyley from Colonel Burr's direction, or copied by Mr. Wyley from an original in Burr's hand writing, by Colonel Burr's order.—The attorney therefore wished to interrogate Mr. Wyley on these points.—Mr. Williams and Mr. Bots's contended that if Mr. Wyley answered these questions, they would either criminate or might tend to criminate him, and advanced several authorities to shew that no witness was compelled to answer any question that might have that tendency.—Two instances were produced from the law books of Great Britain.—One was the case of a witness who was asked whether or not he was a Roman Catholic, and upon refusing to answer the question, the prosecutor appealed to the court, but they were of opinion that answering such a question might have a tendency to criminate the witness; there being several penal laws in force against persons professing the Roman Catholic religion.—The other was the case of a witness who confessed himself to the court in the first instance to be a Roman Catholic; but being afterwards interrogated as to his occupation or trade in life, refused to answer the question, and the court thought it improper to compel him.

Mr. Hay and Mr. M'Rae contended, that although Mr. Wyley had transcribed the letter in cypher, or had written it by Colonel Burr's direction, yet he was ignorant of the meaning of the cypher, and consequently although it might contain treason, yet having no knowledge of that treason, the writing or the transcribing of it could in no ways criminate him. They, therefore, proposed that in the first instance he should answer the following question which they argued had not the remotest tendency to criminate him.

Question.—Mr. Wyley, do you know the matter this letter contains?

Upon Mr. Wyley refusing to answer, the court was applied to by the attorney, and a desultory argument took place between Messrs. Wickham, Bots and Williams on the part of the witness, and Messrs. Hay, Wirt and M'Rae on the part of the prosecution, as to the propriety of the question.

The court were of opinion that Mr. Wyley should answer upon oath whether or not he thought that answering the proposed question might have a tendency to criminate himself.

Mr. Wyley replied it might criminate him in the event of a certain case.

Mr. M'Rae hoped the court would not allow the attorney for the prosecution to be deprived of his evidence in such a manner.

Mr. Williams and Mr. Bots supported the reply of the witness, and said they were willing to argue the point to-morrow.

The court accordingly consented to argument from counsel on both sides on Tuesday, on the following question.—Whether or not a witness affirming on oath, that answering any given question, might have a tendency to criminate himself, should be compelled in that case to answer the said question.

Wednesday, June 15.

Mr. Hay attended to the court the result of his application to the president of the U. S. as to respecting the papers Colonel Burr had required, which was the receipt of the several papers demanded; with the exception of the order that had been given for the arrest and detainer of Burr and his followers, because the order in question could not be produced without resorting to a vast and voluminous number of state papers, unless a particular specification was given of the order.

Mr. Martin replied, that it was impossible to give any particular specification of the order.

Mr. Hay said, the order was more comprehensive than the proposition which was made by the counsel of Col. Burr had contemplated.

After some desultory remarks on both sides, it was agreed to wait the issue of the subpoena which had been forwarded. The court then signified on account of the waste of time which had taken place, on arguments on trivial points, that some arrangement should take place respecting the number of counsel that should speak on either side.

Mr. Martin and Mr. Hay severally argued for some time, the one upon the propriety, the other upon the impropriety of this proposition from the court.

Mr. Hay then stated to the court that he wished Dr. Bollman should be before the grand jury when Wyley was there—that Bollman was a pardoned man, and therefore bound to answer any question put to him. This point he wished to be determined.

Mr. Bots said, they had been preparing themselves for the continuance of the arguments of yesterday, according to the agreement of Mr. Hay himself; he therefore moved that the court go on with the argument of yesterday.

Mr. Hay replied, if his proposition of to day did not meet with the pleasure of the gentleman, he had no objection it should be discussed afterwards.

Col. Burr rose and proposed, if the attorney would agree to send up along with Bollman, a certificate, stating a pardon had been voluntarily offered to him by the president, which pardon he refused, he would have no objection to submit the matter to the grand jury themselves.

Mr. Hay said he was re-located to continue his motion, as the proposal of Col. Burr did not come within a thousand miles of his intentions.

After several observations on both sides, Mr. M'Rae remarked his wish that the court would determine as to the question of yesterday respecting Mr. Wyley—and particularly whether Mr. Wyley copying the letter of Burr in cypher, would any ways criminate himself, for which purpose he would move that Dr. Bollman translate that part of the letter in the Dutch language.

The Court wished the first part of the argument respecting Wyley should be first discussed.

Mr. Bots thanked the court for their opinion, as he was now at liberty to go on with the discussion the gentleman themselves had yesterday agreed upon.—He could not perceive, he said, how Wyley acted as an accomplice merely because he could refuse to answer a question which the attorney might criminate himself.—My country knows at this moment when it is slighted as to take the form of holy writ." Col. Wyley

once disclose that he was an accomplice, in copying that letter, however innocent or guilty, the fact. Yet if Wyley should go to Louisiana, he might be deprived of his liberty shut up in a dungeon by the arm of arbitrary power, or transported to the City of Washington to be tried as a traitor. In time, Mr. B. said, it would be proved to the court that it was not necessary for evidence to be produced, that a man should be enslaved in a dungeon and transported beyond seas on an accusation of high treason. He did not disown but his client felt deeply interested in the present subject—it had several reasons for it.

Mr. Bots next asked how the letter in question came here. He made several severe remarks on the manner in which the letter was intercepted. He asked them not to disgrace the government by a proof of the most unwarrantable deed. It was a dreadful period indeed in an infant government, when deeds, which would bring a private individual to the gallows, should be tolerated when performed by public officers of the government. He hoped, therefore, the gentlemen would not press the production of a paper which might bring disgrace upon the country.

Mr. Bots proceeded in quoting several authorities in support of the argument that Mr. Wyley was not bound to answer the question proposed to him.

Mr. Williams stated several authorities in support of Mr. Bots.

Mr. Luther Martin argued that Mr. Wyley knowing any thing of the contents of the paper, made him answerable for its treason if it contained treason. He remarked also that the post office had been put into requisition for the inspection of letters.

Mr. Hay interrupted him and said that it was an improper remark. He said the letter was transmitted by a man of the name of Minjian, who came with Mr. Wyley—that he had got it from M. Toalmah of the Mississippi Territory.

Mr. Martin said he would repeat that the post office had been violated. He would pronounce it as long as his breath would allow him, that the post office had been robbed.

Mr. Bots rose to remark that Mr. Hay said it was a very serious charge which had been made upon the post office. He would be happy to see this slander, if it were one, wiped away from the legislature. It was important, therefore, to go into the enquiry. It was proper the enquiry should be gone into. It has been said that General Wilkinson had powerful agency in this business.

Mr. Hay interrupted him as being entirely out of order.

The Court wished the counsel should go on with the argument.

Mr. M'Rae in reply, said the proceedings in this enquiry evince that it was not the wish of the prosecutors to withhold from the accused every means of defending himself. A spectacle rare indeed was exhibited to day. He had endeavored to discover if he could, any thing which was discovered to be serious and weighty. He observed, a great part of the remarks were foreign to the purpose. Mr. Bots, in place of discussing the question, proceeded to tell the court that the most dreadful consequences would result to Mr. Wyley if his acknowledgements having made a copy. Mr. Bots, he said, had spoken of the foulness which appeared in the face of that letter, alluding to the post office.

Every day's practice, said Mr. M'Rae, proved that it was the practice of the court to admit such objections, as those urged by the witness, and that the court had a right to know the grounds on which he founded his objection. The supreme court of the U. States have decided this—Cranch, 137. The same is also substantially proved in a case late in Nally, 255.

Mr. Hay said, notwithstanding his respect for the gentlemen on the other side, that the question before them appeared extremely frivolous; he believed that paper was drafted, and hence proceeded that zeal for keeping it out of the way. He said if gentlemen were aware of the impression they made upon the public mind by this conduct. He asked, he would ask, whether his thus shrinking from the evidence, bespeke his innocence. He appealed to the feelings and common sense of every one who heard him, whether or not he was correct. Supposing Wyley to be a confederate, said Mr. Hay, the question was whether or not answering the present question would criminate himself. Mr. H. said, that his position was law, he would pledge himself to demonstrate. He quoted also several cases in the state trials to prove his argument, and replied to the several objections which had been made by the opposite counsel. Mr. H. said, they had heard a great deal about the plundering of post-offices; but there ought to be some evidence of such plunder. If ever the letter was in the post-office, it was honorably given up and with honorable intentions.

Mr. Wirt said, that the mode in which the prosecution was conducted, was perfectly fair, provided the counsel wished to get the accused off at all events; but if they wished to get him off with honor, they ought to court evidence.—Mr. W. quoted Mr. Gilbert, 122, and several other authorities.

Mr. L. Martin replied to the observation of Mr. Wirt respecting the mode of conducting the prosecution. He observed also, that it was not Col. Burr who at present was arguing, but a witness who had employed a witness. He opposed the two principles which were advocated by Mr. Wirt, that an accomplice might be a witness, and might give evidence against himself.

Mr. Hay read the following letter from the President of the United States:

WASHINGTON, June 12, 1807.

SIR,

Your letter of the 9th is this moment received. Reserving the necessary right of the President of the United States to decide, independent of all other authority, what papers, coming to him as President, the public interests permit to be communicated, and to whom I assure you of my readiness, under that restriction, voluntarily to furnish on all occasions whatever the purposes of justice may require. But the letter of Gen. Wilkinson of October 21, requested for the defence of Col. Burr, with every other paper relating to the charges against him which were in my possession when the attorney-general went on to Richmond in March, I then delivered to him; and I have always taken for granted he left the whole with you. If he did, and the bundle retains the order in which I had arranged it, you will readily find the letter desired under the date of its receipt, which was November 25; but lest the attorney-general should not have left those papers with you, I this day write to him to forward this one by post.

An uncertainty whether he is at Philadelphia, Wilmington or Newcastle may produce delay in his receiving my letter, of which it is proper you should be apprised. But as I do not recollect the whole contents of that letter, I must beg leave to devolve on you the exercise of that discretion, which it would be my right and duty to exercise, by withholding the communication of any parts of the letter, which are not directly material for the purposes of justice.