

Baltimore Price Current.
CORRECTED WEEKLY.

| Articles. | Per. | Prices |
|--------------------------------|-------|--------------|
| BREAD, ship, | covt. | \$ 3 |
| navy, | — | 4 25 |
| — | — | 5 50 |
| BEEF, northern mess, | bb. | 13 50 plenty |
| —, No. 1, | — | 13 50 do. |
| —, No. 2, | — | 11 50 do. |
| BACON, | lb. | 11 13 |
| BUTTER, for exportation, | — | 15 18 |
| COFFEE, Batavia, | — | 30 |
| —, W. India best gr., | — | 29 |
| —, do. com., | — | 26 |
| COTTON, W. India island, | — | 26 35 |
| —, Louisiana, | — | 24 |
| —, Georgia, upland, | — | 22 23 |
| —, Sea-Island, | — | none |
| CORDAGE, American, | — | 16 |
| —, Russia, | — | 10 12 |
| CROCODALE, | — | 20 30 |
| CANDLES, mould, | — | 20 |
| —, dip, | — | 17 |
| —, spermaceti, | — | 45 50 |
| CHEESE, American, | — | 11 13 |
| —, English, best, | — | 40 45 |
| DUCK, Russia, | blt. | 33 35 |
| —, Holland, | — | 40 45 |
| —, Ravens, | — | 15 |
| Russia Sheet, | piece | 22 23 |
| FISH, ctd. dry, | cut. | 4 50 |
| —, salmon, | bb. | 16 |
| —, herrings, (new) | — | 4 25 |
| —, mackerel, | — | 8 9 |
| —, shad, (new) | — | 7 |
| FLAXSEED, rough, | bush. | — |
| —, cleaned, | ck. | — |
| *FLOUR, superfine, | bb. | 6 |
| —, fine, | — | 5 50 |
| —, middlings, | — | 5 |
| —, rye, | — | 4 |
| GUNPOWDER, Engl. 25 | lb. | 10 |
| Do Baltimore manuf. | — | 9 |
| GRAIN, Indian corn, | bush. | 53 |
| —, wheat, Virginia, | — | 1 12 1 25 |
| —, do. Maryland, | — | 1 15 1 25 |
| —, Rye, | — | 65 |
| —, barley, | — | 1 |
| —, Clover seed, | — | 12 35 |
| —, Oats, | — | — |
| HEMP, Russia, | ton. | 205 310 |
| —, Country, | — | — |
| HOPS, (fresh) | lb. | 15 dull |
| HOGS' LARD, | — | 15 do. |
| IRON, pig, | ton. | 45 48 |
| —, Country bar, | — | 115 |
| —, Russia, | — | 110 |
| —, Sweden, best, | — | 115 |
| —, Hoop, | — | 173 |
| —, Sheet, | — | 220 225 |
| —, Nail rods, | — | 140 150 |
| —, Castings, | — | 80 90 |
| LEATHER, sole, | lb. | 18 19 |
| CLUMBER, per 100 lb. | — | — |
| oak, 4th & 5th cut, | — | 2 25 |
| —, boards, all sizes, | — | 2 12 2 50 |
| —, pine scantling, do. | — | 1 25 1 50 |
| —, boards, 4-4, | — | 2 50 |
| —, do. 5-4, | — | 1 50 2 |
| —, white do. com. 4-4, | — | 2 25 |
| —, do. clear, 4-4, | — | 2 50 3 50 |
| —, shingles, cyp. 18 inch M. | — | 2 50 3 50 |
| —, juniper, 24 do. | — | 6 50 8 50 |
| —, do. com. do. | — | — |
| —, staves, w. o. pipe | — | 40 45 |
| —, do. hhd. | — | 30 |
| —, do. hhd. | — | 20 |
| —, red oak, hhd. | — | 19 12 |
| —, do. hhd. | — | 18 |
| —, hhd. heading, | — | 40 |
| MEAL, corn, kiln-dried, | bb. | 4 |
| NANKINS, short, | — | 85 87 |
| NAVAL STORES, tar, | bb. | 2 25 2 5 |
| —, pitch, | — | 3 30 3 50 |
| —, turpentine, | — | 2 25 dull |
| —, rosin, | — | 2 25 2 50 |
| —, spirits turpentine, gal. | — | 35 37 |
| —, varnish, bright, | — | 30 |
| —, black, | — | 30 |
| PORK, northern mess, | bb. | 24 dull |
| —, Prime | — | 18 do. |
| —, Cargo | — | 17 50 do. |
| —, Baltimore navy | — | 20 do. |
| —, Prime, | — | 17 50 do. |
| —, southern, 2d, | — | 15 do. |
| PLASTER PARIS, Fr. | ton. | 7 50 |
| PORTER, London, | dos. | 2 50 3 |
| —, American, | — | 1 25 |
| RICE, (new) per 100 lb. | — | 3 75 du' |
| SOAP, American, white, | lb. | 10 12 |
| —, do. brown, | — | 8 9 |
| —, Castile, | — | 17 18 |
| SALTPEPER, rough, Am. | — | 18 |
| —, refined, | — | 25 |
| SASSAPARA, | ton. | 12 14 |
| SPIRITS, Brandy, F 4th p. gal. | — | 98 |
| —, Cognac, 4th p. | — | 1 12 1 20 |
| —, Barcelona, 1st p. | — | 85 |
| —, do. 4th p. | — | 90 |
| —, Gin, Holl'd, 1st p. | — | 1 3 1 5 |
| —, do. American, | — | 62 |
| —, Rum, Jam. 4th p. | — | 93 95 |
| —, St. Croix, 3 & 4 | — | none |
| —, Antigua, 3 & 4 | — | 76 78 |
| —, Widdard, 3d | — | 62 |
| —, Island, 3d | — | 67 |
| —, American, | — | 75 |
| —, Whiskey, | — | 46 47 |
| SUGARS, Havana, white, covt. | — | 14 |
| —, do. brown, | — | 9 50 |
| —, clayed, white, | — | 12 50 |
| —, do. brown, | — | 11 50 |
| —, muscov. 1st qual. | — | 9 9 15 |
| —, Louisiana, | — | 8 12 |
| —, India, 1st qual. | — | 10 50 12 |
| —, loaf, | — | 20 |
| —, lump, | — | 18 |
| *SALT, St. Ubes, | bush. | 55 60 |
| —, Lisbon, | — | 60 |
| —, Cadiz, | — | 45 50 |
| —, Liverpool, blown, | — | 45 50 |
| —, ground, | — | 60 |
| —, Turks-Island, | — | 65 70 |
| —, Isle of May, | — | 60 65 |
| SHOT, of all sizes, | cut. | 12 50 13 |
| TOBACCO, Maryland, 100 lb. | — | — |
| —, Upper Patuxent, 1st | — | 7 7 50 |
| —, Lower Patuxent, 1st | — | 6 6 50 |
| —, Potomac, 1st, | — | 5 5 50 |
| —, East shore, 1st | — | 5 |
| —, Virginia, fat, | — | 6 50 |
| —, do. middling, | — | 5 50 |
| —, Rappahannock, | — | 4 50 5 |
| —, Georgia, | — | — |
| TALLOW, American, | lb. | 14 |
| WAX, bees, | — | 40 42 |
| WINE, Madeira, L. P. gal. | — | 2 50 3 |
| —, do. L. M., | — | 1 15 1 65 |
| —, do. N. Y. M., | — | 1 12 1 50 |
| —, Lisbon, | — | 1 10 1 15 |
| —, Sherry, | — | 1 20 1 25 |
| —, Corsica, | — | 65 68 |
| —, Tenerife, | — | 80 1 |
| —, Claret, | — | 5 10 |
| —, do. new, | — | 33 40 |
| —, Malaga, | — | 95 |
| —, Port, | — | 1 30 1 35 |

TRIAL OF AARON BURR.

(Continued by adjournment and held at the capitol in the hall of the house of Delegates.)
for high treason against the United States.

JUDGE MARSHALL'S OPINION
On the routine of evidence, delivered on Tues day the 18th.

Although this is precisely the same question relative to the order of evidence, which was decided by this court, on the motion to commit, yet it is now presented under somewhat different circumstances, and may therefore not be considered as determined by the former decision. At that time no indictment was found, no pleadings existed, and there was no standard by which the court could determine the relevancy of the testimony offered, until the fact to which it was to apply, should be disclosed. There is now an indictment specifying the charge which is to be proved, on the part of the prosecution; there is an issue made up, which presents a point to which all the testimony must apply; and consequently it is in the power of the court to determine, with some accuracy, on the relevancy of the testimony which may be offered.

It is contended in support of the motion which has been made, that, according to the regular order of evidence and the usage of courts, the existence of the fact on which the charge depends, ought to be shown before any testimony explanatory or confirmatory of that fact can be received. Against the motion it is contended that the crime alleged in the indictment consists of two parts; the fact and the intention, and that it is in the discretion of the attorney for the United States, first to adduce the one or the other; and no instance has ever occurred of the interference of a court with that arrangement which it has thought proper to make.

As is not infrequent, the argument on both sides appears to be in many respects correct. It is the most usual and appears to be the natural order of testimony to show, first the existence of the fact respecting which the inquiry is to be made. It is unquestionably attended with this advantage; there is a fixed and certain object to which the mind applies with precision, all the testimony which may be received, and the court can decide with less difficulty on the relevancy of all the testimony which may be offered. But this arrangement is not clearly shewn to be established by any fixed rule of evidence, and no case has been adduced in which it has been forced by the court, on the counsel for the prosecution.

On one side it has been contended that by requiring the exhibition of the fact in the first instance, a great deal of time may be saved, since there may be a total failure of proof with respect to the fact; and this argument has been answered, by observing, that should there even be such failure, they could not interpose and arrest the progress of the cause, but must permit the counsel for the prosecution to proceed with that testimony which is now offered.

Laying of war is a fact which must be decided by the jury. The court may give general instructions on this as on every other question brought before them, but the jury must decide upon it as compounded of fact and law. Two assemblages of men not unlike in appearance, possibly may be, the one treasonable and the other innocent. If, therefore, the fact exhibited to the court and jury should, in the opinion of the court, not amount to the act of levying war, the court could not stop the prosecution, but must permit the counsel for the United States to proceed to show the intention of the act, in order to enable the jury to decide upon the fact, coupled with the intention.

The consumption of time would probably be nearly the same, whether the counsel for the prosecution commenced with the fact or the intention, provided those discussions, which respect the admissibility of evidence would be as much avoided in the one mode as in the other. The principal importance which viewing the question in this light, would seem to attach to its decision is the different impressions which the fact itself might make, if exhibited at the commencement or close of the prosecution.

Although human laws punish actions, the human mind spontaneously attaches guilt to intentions. The same fact, therefore, may be viewed very differently, where the mind is prepared by a course of testimony calculated to impress it with a conviction of criminal designs of the accused, and where the fact is stated without such preparation. The overt act may be such as to influence the opinion, on the testimony, afterwards given, respecting the intention; and the testimony respecting the intention, may be such, as to influence the opinion on the testimony, which may be afterwards given respecting the overt act.

On the question of consuming time, the argument was placed in one point of view by the counsel for the defence, which excited some doubt. The case was supposed of only one witness to the overt act, and a declaration that it could be proved by no other.—The court was asked whether the counsel would be permitted then to proceed

to examine the intentions of the accused, and to do worse than waste the time of the court and jury, by exposing, without a possible object, the private views and intentions of any person whatever.

Perhaps in such a case the cause might be arrested, but this does not appear to warrant the inference that it might be arrested, because the fact proved by the two witnesses did not appear to the court, to amount to the act of levying war. In the case supposed, the declaration of the law is positive, and a point proper to be referred to the court occurs, which suspends the right of the jury, to consider the subject, and compels them to bring in a verdict of not guilty. In such a case, no testimony could be excluded. Suppose the counsel for the prosecution should say that he had no testimony to prove the treasonable intention. That he believed confidently the object of the assemblage of men on Blennerhassett's island to be innocent: That it did not amount to the crime of levying war. Surely it would be a wanton and useless waste of time to proceed with the examination of the overt act. When such a case occurs, it cannot be doubted that a nolle prosequi will be entered, or the jury be directed with the consent of the attorney to find a verdict of not guilty.

It has been truly stated that the crime alleged in the indictment consists of the fact and of the intention with which that fact was committed. The testimony disclosing both the fact and the intention must be relevant. The court finds no express rule stating the order in which the attorney is to adduce relevant testimony, nor any case in which a court has interfered with the arrangement he has made. No alteration of that arrangement therefore will now be directed.

But it is proper to add that the intention which is considered as relevant in this stage of the inquiry is the intention which composes a part of the crime, the intention with which the overt act itself was committed; not a general evil disposition, or an intention to commit a distinct fact. This species of testimony, if admissible at all, is received as corroborative or confirmatory testimony. It does not itself prove the intention with which the act was performed but renders other testimony probable which goes to that intention. It is explanatory or assistant to that other testimony. Now it is essentially repugnant to the usages of courts, to the declarations of the books by whose authority such testimony is received, that corroborative or confirmatory testimony should precede that which it is to corroborate or confirm. Until the introductory testimony be given, that which is merely corroborative is not relevant, and of consequence, if objected to cannot be admitted without violating the best settled rules of evidence.

This position may be illustrated by a direct application to the testimony of gen. Eaton. So far as his testimony relates to the fact charged in the indictment, so far as relates to levying war on Blennerhassett's island, so far as it relates to a design to seize on New Orleans, or to separate by force, the western from the Atlantic states, it is deemed relevant and is now admissible. So far as it respects other plans to be executed in the city of Washington or elsewhere, if it indicates a treasonable design it is a design to commit a distinct act of treason, and is therefore not relevant to the present indictment. It can only by showing a general evil intention render it more probable that the intention in the particular case was evil; it is merely additional or corroborative testimony, and therefore if admissible at any time, is only admissible according to rules and principles which the court must respect, after hearing that which it is to confirm.

The counsel will perceive how many questions respecting the relevancy of testimony, the arrangement proposed on the part of the prosecution will most probably produce. He is however at liberty to proceed according to his own judgment, and the court feels itself bound to exclude such testimony only, as at the time of its being offered, does not appear to be relevant.

The judge having delivered his opinion on the point argued yesterday, some arrangements were made for the accommodation of the jury; that they were to occupy two or more rooms in the capitol; that for the sake of exercise they might walk out in a body or separately, if accompanied by the marshal or his deputy; and that they might send or receive letters, if the superscriptions were shewn to the marshal. It was understood, that they were to lay all letters before the court, which should appear to touch on the trial, designedly sent to influence their verdict.

The hours of the court are fixed from 9

to 4. William Eaton was then called in for his examination.

Mr. Eaton inquired whether he might be permitted to have recourse to his notes. C. Justice. Were they written by yourself? Mr. Eaton. They were. Mr. Wickham. At what time? Mr. E. At different times. Mr. Burr. What is the nature of them? A. They are nothing but memoranda taken from notes, which I made of the conversations between you and myself, at the times that they passed.—The court decided that they were not admissible. Mr. E. May I ask one further indulgence from the court, I have been long before the public. Much stricture and some severity have passed upon me. May I, in stating my evidence, be permitted to make some explanations about the motives of my conduct? C. J. Perhaps it would be more correct for the court to decide upon the propriety of the explanation, when the particular case occurs. Some cases may require it: And if any objection is made to your explanations, then the court will decide upon it.

Mr. Eaton. Concerning any overt act, which goes to prove Aaron Burr guilty of treason, I know nothing concerning certain transactions which are said to have happened at Blennerhassett's island, or any agency which Aaron Burr may be supposed to have had in them, I know nothing. But concerning Col. Burr's expressions of treasonable intentions, I know much and it is to these that my evidence relates.—Mr. Martin. I know not, how far the court's opinion extends.—Ch. Jus. It is this: that any proof of intention formed before the act itself, if relevant to the act may be admitted. One witness may prove the intention at one time; and another may prove it at another; so as to prove the continuance of the intention throughout the whole transaction; and therefore the proof of very remote intentions may be relevant to this particular act. Mr. Martin. I trust that when he speaks of a treasonable intention not applicable to this act, the court will stop him.

Mr. Eaton. During the winter of 1805-6, I cannot be positive as to the distinct point of time, yet, during that winter at the city of Washington, Aaron Burr signified to me that he was organizing an expedition to be moved against the Spanish provinces on the South Western frontier of the United States. I understood under the authority of the general government. From our existing controversies with Spain, and from the tenor of the president's communications to both houses of congress, a conclusion was naturally drawn, that war with that power was inevitable. I had just then returned from the coast of Africa, and having been for many years employed on your frontier, or on a coast more barbarous and obscure, I was ignorant of the estimation in which Col. B. was held by his country.—The distinguished rank he had held in society and the strong marks of confidence which he had received from his fellow citizens, did not permit me to doubt of his patriotism. As a military character I had been made acquainted with one within the U. S. under whose direction a soldier might with greater security confide his honor. In case of my country's being involved in a war, I should have thought it my duty to obey so honorable a call, as was proposed to me. Under impressions like these, I did engage to embark in the enterprise, and pledged myself to Col. B's confidence. At several interviews, it appeared to be his intention to convince me by maps and other documents of the feasibility of penetrating to Mexico. At length from certain indistinct expressions and nuances, I admitted a suspicion, that Col. B. had other projects. He used strong expressions against the administration of the government; accused them of want of character, want of energy, want of gratitude. He seemed desirous of irritating my resentment by dilating on certain injurious strictures I had received on the floor of Congress on account of certain transactions on the coast of Tripoli; and also on the delays in adjusting my accounts for advances of money on account of the U. States; and talked of pointing out to me modes of honorable indemnity. I will not conceal here, that colonel Burr had good grounds of reason for supposing me disaffected towards the government; I had indeed suffered much from delays in adjusting my accounts for cash advanced to the government, whilst I was consul at Tunis, and for the expense of maintaining the war with Tripoli. I had but a short time before been compelled ingloriously to strike the flag of my country on the ramparts of a defeated enemy, where it had flown for 45 days. I had been compelled to abandon my comrades in war on the fields where they had fought our battles. I had seen cash offered to the half-vanquished chief of Tripoli (as he had himself acknowledged) as the price of pacification.—(Mr. Wickham. By whom? A. By our negotiator)—when as yet no exertion had been made by our naval squadron to coerce that enemy. I had seen the conduct of the author of these blemishes on our then proud national character, if not commended—not censured; whilst my own inadequate efforts to support that character were attempted to be thrown into shade. To feelings naturally arising out of circumstances like these, I did give strong expressions. Here I beg leave to observe in justice to myself, that however strong those expressions however harsh the language I employed, they would not justify the inference, that I was prepared to dip my sabre in the blood of my countrymen; much less of their children, which I believe would have been the case, had this conspiracy been carried into effect. (Mr. Martin objected to this language.) I listen-

ed to Col. B's mode of indemnity; and as I had by this time begun to suspect, that the military expedition he had on foot was unlawful, I permitted him to believe myself resigned to his influence, that I might understand the extent and motive of his arrangements. Col. B. now laid open his project of revolutionizing the territory, west of the Alleghany; establishing an independent empire there, New-Orleans to be the capital and he himself to be the chief; organizing a military force on the waters of the Mississippi, & carrying conquest to Mexico. After much conversation (which I do not particularly recollect) respecting the feasibility of the project; as was natural, I stated impediments to his operations, such as the republican habits of the citizens of that country, their attachment to the present administration of government, the want of funds, the opposition he would experience from the regular army of the U. S. stationed on that frontier; and the resistance to be expected from Miranda, in case he should succeed in republicizing the Mexicans.—Col. B. seemed to have no difficulty in removing these obstacles. He stated to me, that he had in person (I think the preceding season) made a tour through that country; that he had secured to his interests and attached to his person the most distinguished citizens of Tennessee Kentucky and Territory of Orleans; that he had inexhaustible resources and funds; that the army of the U. S. would act with him; that it would be reinforced by 10 or 12,000 men from the above mentioned states and territory; that he had powerful agents in the Spanish Territory, and "as for Miranda," said Mr. Burr facetiously, "we must hang Miranda." In the course of repeated conversations on this subject, he proposed to give me a distinguished command in his army; I understood the second command; I asked him, who would command in chief. He said, gen. Wilkinson. I observed that it was singular, he should count upon gen. W. The distinguished command and high trust he held under government, as the commander in chief of our army and as governor of a Province, he would not be apt to put at hazard any precarious projects of aggrandizement. Col. Burr stated that gen. Wilkinson balanced in the confidence of his country; that it was doubtful whether he would much longer retain the distinctions and confidence he now enjoyed; and that he was prepared to secure to himself a permanency. I asked col. Burr if he knew gen. Wilkinson. He said, yes; and echoed the question. I told him that 12 years ago, I was at the same time a captain in his wing of the legion of the United States his acting brigade major and aide de camp; and that I thought I knew him well. He asked me, what I knew of gen. Wilkinson. I said, I knew gen. W. would act as lieutenant to no man in existence. "You are in an error," said Mr. B. "Wilkinson will act as lieutenant to me." From the tenor of much conversation on this subject, I was prevailed on to believe that the plan of revolution meditated by col. B. and communicated to me, had been concerted with gen. W. and would have his co-operation; for col. B. repeatedly, and very confidently expressed his belief, that the influence of gen. W. with his army, the promise of double pay and rations, the ambition of his officers, and the prospect of plunder and military achievements, would bring the army generally into the measure.

[To be continued.]

BY THIS DAY'S MAILS.

NEW-YORK, August 25.
Arrived, the brig Clarissa, Lee, 17 days from St. Vincent's, run. Left no American vessels there.
The brig Achilles, Howell, 9 days from St. Johns, Porto Rico, coffee and hides.—Left no American vessels.
The brig William, Dade, 21 days from Point Petre, Guadaloupe, sugar.
The brig Jane-Maria, Marschalk, 22 days from Cumana, cocoa. Left, brig Nanina, for Philadelphia in 20 days; schr. Simps-Dragon, for do; Hero, of Salem.
Brig Charleston, New-man, 19 days from Havana, sugar and brandy. Left, the brig Paragon, from Honduras, for New-York, to sail same day, having put in in distress, August 19, in lat. 35, spoke ship Charlotte, Stoddart, 8 days from Havana, for Philadelphia.
The schr. Union, Douglass, 10 days from Edenton, naval stores.
The British schr. Clarissa-Ann, Hinkle, 15 days from Halifax, fish. Left, schr. Nancy, for New-York, in 5 days. August 14, lat. 42, long. 66, spoke ship Hepewell, of Portland, 52 days from Liverpool for Boston. 18th, spoke brig St. Lucie, for Boston.
The schr. Pusey, Hatfield, 10 days from Edenton.
The pilot-boat schr. Hetty, Waller, 20 days from New Orleans, 1 gwood and lead. Left, schr. Susan, Hatten, for Liverpool, in 3 days. At the Balize, ship Rola, Colt, and Brutus, Pendergrast, both for Liverpool. Met in the river, bound up, Swedish brig Gustavus Vasa, from Aux Cayes; ship Comet, from Baltimore; Hercules of Philadelphia. The ship Harriet, had arrived in 30 days from this port. Passed the brig George, at Plaquemine, for New-York. Lat. 32, 36, long. 76, spoke brig Jane, of Philadelphia from Havana, bound either for Philadelphia or N. York. August 21, spoke brig Ann, Ringfield, from Cuba for New York.
The schr. Judah, Simmons, from Currituck.
The schr. Juliet Seymour, Seymour, from N. Carolina, staves & shingles.

* Store prices.
† Court measurement.
‡ Cargo prices.
§ Second qualities of Patuxent, are 2 dollars less; & Potomac & Eastern-shore 1 dollar less.