

**BURR'S TRIAL.**  
*On the indictment for a Misdemeanor.*

*Morris B. Belknap.*  
Mr. Hay. Were you not on the island on the night of Blannerhassett's departure? A. I was; on the night of the 10th December. Mr. Hay. State the causes and consequences of your going.

Mr. Belknap. I had been employed by Mr. Blannerhassett to carry a letter to John Jourdan at Lexington, Kentucky. (Mr. Hay. Jourdan is here.) In that letter, was one enclosed to col. Burr. Sometime previous to his asking me to go to Lexington, I had stated to him in conversation that certain rumors were about calculated to shew the unlawfulness of his expedition. He declared to me that his expedition was not unlawful, and he read to me this letter addressed to col. Burr. I do not particularly recollect the contents of this letter, but this was the substance of it: He congratulates col. B. on his acquittal in Kentucky, and that the grand jury did not find a bill against him; he mentioned the state of the boats building on the Maskingum, though I do not particularly recollect what he said about them. (Q. At what time was this? A. About the middle of November, 1806.) He likewise mentioned the quantity of provisions, that he should probably have to take down the river with him; I particularly recollect corn meal as one of the articles. He mentioned that he should probably take his family down with him. The letter was long, and occupied about two pages of common paper. I delivered to Mr. Jourdan the letter addressed to him. He broke the seal and requested me to carry the enclosure to col. Burr at Frankfort. I did carry it to Frankfort and delivered it to col. Burr. I returned then to the island, and took back with me a letter from col. Burr to Mr. Blannerhassett. Mr. Burr before he closed his letter, handed it to me. I read a part of it; but as I was somewhat puzzled to make out the writing, I asked him for an explanation of a word. He took the letter, and read the whole, as I suppose, to me. The substance was, that he thanked Mr. Blannerhassett for the exertions which he had used to put the boats in a state of preparation. He stated, that he should probably leave that place in 3 days for Nashville. He said that he should probably go down the river before Mr. Blannerhassett; that he was glad that his family was going down; and that he would procure a place for them at Natches or New Orleans, till they could be better accommodated on the Ouachita. He told him to make all possible speed, as the probability was, that the river would close up.

*Examined by the prosecution.*  
Mr. Hay. Were there any other reasons mentioned before its freezing. A. None, that I recollect. Q. Did you carry any verbal instructions? A. Yes; that in descending the river, they should carry some signal objects in the boats, as a white flag in the day time, and a lantern at night. Q. Believing that the object of this enterprise was lawful, did you not at first join in it? Yes; I did contemplate joining in it. Mr. Blannerhassett mentioned several persons to me, who had joined in it. I do not know whether he mentioned the government, but he certainly said that the officers of the government had approved it. Mr. M' Rae. Did he mention the object of the enterprise? A. He stated, that he expected there would be a war with Spain; and in that event, the people who went down with him would join the regular army and advance to the frontiers. If there was no war, they would then effect a settlement on the Ouachita. He mentioned that general Eaton, and Mr. Gallatin were engaged. He named general Wilkinson. Mr. Wirt. Did you go down with him? A. I did not. Q. What prevented you? A. When I had returned to Marietta, I received a letter from young Daniesson, stating to me the substance of gen. Eaton's deposition. I repeated this important contradiction of one of Blannerhassett's statements to a number of my friends, and they all abandoned the enterprise. Mr. Hay. Had you any conversation with Mr. Burr? A. We had some about the boats and the party. Mr. M' Rae. How many persons desisted from the enterprise? A. Mr. Cushing, Mr. Munn, and two or three from Marietta. Mr. Hay. Did you not carry some message to Blannerhassett, about the necessity of his immediate departure. A. No. col. Burr stated this; that he believed in consequence of newspaper reports the public mind was much increased; that he apprehended, the party would meet with some opposition in going down the river, and that he hoped they would not oppose the constituted authorities. Q. Were there any men preparing to depart, when you arrived on the island? A. When I returned from Lexington, I was surprised at the number of men whom I saw there about 20. Mr. Wirt. When Burr spoke of these men and boats, did he speak of them as having any authority over them? A. He spoke of them as one concerned. Mr. M' Rae. When he spoke of going down the river, did he speak of his people? A. He spoke of them under the general description of "they"; he spoke then as of persons in connection with himself and with whom he had connection. Mr. Hay. Did you hear nothing of the legislative proceedings of Ohio before you carried the letter? A. Not till my return. (C. Justice. The legislature did not meet till afterwards. Mr. Burr. The legislature did not meet till the

4th of December, and Frankfort where Mr. Belknap saw me is about 200 miles from the island. Mr. Hay. I did not know the date of Mr. Burr's letter. Mr. Belknap. It was dated about the last of November and I returned to the island about the 10th of December.) Mr. M' Rae. Did he not make some inquiries about Blannerhassett? A. He inquired about his health and the probability of his going away. Q. Did nothing of any moment occur in relation to Blannerhassett's departure? A. Nothing that I recollect. He departed a short time after I had arrived there. Q. Did he not state the reasons of this sudden departure? A. He said he apprehended some difficulty, if he did not immediately depart, from the people of Kenawha. Q. Did you carry no dispatches for Jourdan? A. None. Mr. Wirt. Did you understand from both, that Blannerhassett was connected with Burr? A. I did. Mr. M' Rae. Was there no rumour and noise on this subject, before you went to Kentucky? Was it not the opinion of the people, that they intended to invade Mexico? A. There were various opinions concerning them. Messrs. Martin and Burr both objected to this question. Mr. M' Rae. My object is next to ask the witness whether colonel Burr did not inquire about this state of the public mind; Did not Mr. Burr say something about it? A. He asked me what was going on abroad, such was his expression. I particularly recollect him to have asked this question; whether I had seen any thing in the papers from the government on this subject. I replied, that I had not. Q. What offers did they make to induce you to join them? A. None particularly; except that if when descended the river, I did not find gen. Eaton and Wilkinson either there or coming there, and if there was no Spanish war; then Blannerhassett was to bear my expenses back. Mr. M' Rae. Then you considered yourself as engaged for a Spanish war? A. I did. Q. And Mr. Gallatin was to have joined? A. Yes; most particularly; so Mr. Blannerhassett said.

*Cross-examined by the accused.*  
Mr. Burr. Do you remember a particular portion of land which I offered to Blannerhassett in my letter? A. No. I recollect you authorised him to offer a certain quantity to young men. Q. Do you not recollect I offered him 40,000 acres? A. I do not. Q. Did I not show you a map of the land? A. You did. Q. Did I not show you some deeds for the land? A. I do not recollect. Q. Do you not recollect that I stated in my letter the advantages and disadvantages on both sides; that if he did not live in peace with his neighbors, he had better come down? A. I do not recollect; but the impression on my mind was, that you expected him down. Q. Did I ever speak of the party on the island as my people? A. You did not; your expression generally was "they."

Mr. Hay then called Richard Neil, who being sworn, proceeded to state his testimony. Last year one of my sons went to the island on Blannerhassett's business; another lived a few miles in the neighborhood. About the first of September, Mr. Blannerhassett sent for me; he said he wanted to see me. I went down immediately. He appeared very busy a-writing. He asked me if I could keep a secret. He said he had a piece of writing to copy; that he had sent the first number, which the printer did not understand. Mr. Burr interrupted the witness. He was willing for gentlemen to have proved the character of the military expedition which was charged in the indictment, and had therefore indulged them; but they now seemed to be departing from their own course. The witness was about to narrate his conversations with his own son or with Blannerhassett. Mr. B. objected to any testimony of conversations with Blannerhassett when he was not present. He should object to the testimony of any acts, that were not done in his presence. If gentlemen were inclined to prove the nature of the military expedition, he invited them to do it. If they would not, he should object to the production of any other evidence. Mr. Hay begged leave to go on with the evidence. He should prove Burr's connection with Blannerhassett, and with the party on the island. He should prove the military character at first; and its still more military character afterwards. Mr. Burr. If this witness is not very prolix in his testimony, they may go on with it. But I hope gentlemen will have the liberality to say, whether they mean to go on in this manner, or to prove the military expedition at once. We shall certainly have a contest on law points, and it would be better for them before we commence it, to produce all their testimony that relates to the nature of the military expedition.

NOTE.—Presumed to be the numbers of the Querters.

Some desultory conversation then ensued, when Mr. Randolph observed, that they were then to understand, that gentlemen were determined to persevere in this course. Mr. Wirt. We mean to pursue the proper course. If this is not the proper course demonstrate it.

While Mr. Botts was preparing to open the argument, Mr. Burr inquired whether the counsel for the prosecution was in possession of the deposition of Timothy Kissey. Mr. Hay replied he had never seen it.

Mr. Botts regretted that Mr. Hay's predilection for the island should be so great as to prevent his laying his indictment in any other place. He presumed that it would be productive of the same alteration as it had produced in the treason case. Would it not be better for the court to demand at once some evidence on the facts charged in the indictment, than to be amused for two months with an idle parade of the idle tales of idle people?

Mr. Botts laid down the following general position, which he supported at considerable length:

1. That under the act of congress there can be no accessory offender, i. e. none are within the pains of the statute but such as are acting at the fact.
2. If the first point be not sustainable, no act of col. Burr out of the district can be given in evidence against him.
3. Again, if the first point be not sustainable, no act of an accessory agency can be given in evidence on this indictment, charging the offence of acting at the island, and not specially that the indicted did the accessory act.
4. That if the foregoing points be not sustainable, still no evidence of an accessory agency could be given till the record of the conviction of an actor in the expedition be produced.
5. That the acts on Blannerhassett's Island cannot amount to a providing or preparing the means or a beginning or setting on foot a military expedition there. This point resolves itself into two others. 1st. There was no military expedition in maturity. 2ndly. If there was a military expedition in progress there, it was not begun or set on foot there, nor were the means provided or prepared there. In inquiring into what constitutes the offence under the act of congress, he contended that the act was so uncertain and ambiguous that it never could be carried into execution. He instanced many cases which went to shew, that according to the rules of constraining penal statutes, this act could not be enforced. He argued that provided the means spoken of in the act of congress, requiring the entire means; that the means must be, not of an expedition merely, but a military expedition; that to make it a military expedition it must have a military character, the most essential means of a military expedition is a military organization; that there must be a military posture; that the means must be adequate to the end; that no assembly of men was engaged in this expedition, nor was Burr ever present at it; that no intention could aid facts in furnishing the means of a military expedition; that war might be without military form, but the means of a military expedition must have a military character; & that hostile means will not do, the means must be military.

[To be continued.]

**BOSTON, September 16.**  
The Prussian minister, Baron Hardenberg, has been dismissed at Bonaparte's desire, and Count Goltz appointed in his place. Hon. Hugh Elliot is appointed governor of the island of Barbados. Sir James Craig, it is said, is appointed governor in chief of the British possessions in North America. A bill has passed both houses of the British Parliament, making Curacao a free port to all nations. Guckstadt and Altona, (both Danish ports) have been declared by the English in a state of blockade. An explosion of 30,000 lbs. of powder, at Luxembourg, has ruined upwards of 200 families. Arrived, brig Aurora, Swett, St. Petersburg, 62 days, hemp, iron & duck. Passed Elnesneur, July 22, James, Skinner, of Philadelphia, from Lisbon to St. Petersburg; 26th, Sarah, Smith, from Providence, to Copenhagen. Spoke Sept. 8, lat. 42, long. 64, ship Mechanic, Bagley, of Amesbury, 62 days from Amsterdam for Philadelphia, with a great number of passengers, all well. Brig Tyger, Bartlett, London, 32 days, in ballast. Left Aug. 10, ship New-Galen, Hinkley, for Boston in 5 days; Romeo, Le Bosquet, 2 do.; brig Sally, do. do.; and others unknown. Spoke, Aug. 24, lat. 46, 30, long. 33, 41, sch'r Morning Star, Oliver, of Bath, 10 days from Liverpool for Boston. Brig Superb, Lewis, Amsterdam, 48 days, a few boxes of glass. Left, ship Jefferson, Phillips, of Philadelphia, for China in 10 days; Pomona, Dana, for Newburyport, do.; Perseverance, Connel, N. Y. 27th. The Brutus, Goodrich, sailed July 25, for St. Petersburg. Spoke, August 9, lat. 48, 20, long. 9, ship Grace, Brown, 16 days from Amsterdam for N. York. — Sept. 1, lat. 43, 9, long. 51, ship Susan & Polly, Perry, 27 days from Liverpool, for do. Ship Columbine, Carnes, Havana, 25, via quarantine, sugar.

Ship Cyrus, Bames, London, 37 days, in ballast. Ship Aurora, Masters, of Salem, St. Petersburg, 62 days, Elnesneur 46, hemp, iron and duck. Left at anchor, two miles below Elnesneur, brig —, Smith, 62 days from Newport. Captain S. had left her 9 days before to go by land to Copenhagen. The night before captain M. sailed, she parted her small bower anchor. Also, at anchor, brig Catharine, Harraden, 33 days from Salem, for Copenhagen. Spoke, in lat. 48, long. 45, ship Mentor, of New-York, 15 days out for Liverpool, all well.

Ship United States, Harding, Liverpool, 33 days, salt, crates, &c. Sailed in co. August 11, with brig Hope, Place, for Boston, and ship Huntress, of Newburyport. Spoke Sept. 2, on the Banks, sch'r. Patty, Tubbs, of Provincetown, 8 weeks out, with 13,000 FISH—captain informed they were very scarce.

Ship Xenophon, Howard, of Plymouth, Liverpool, 35 days.

Ship Juno, Hartley, of Saco, Liverpool, 37 days, salt, crates, &c. Sept. 7, in lat. 43, long. 58, spoke ship Hercules, of Duxbury, from Liverpool for Baltimore.

Sloop Maria, Gardner, Halifax, 3 days.

Brig Robert, Leech, 54 days from Copenhagen, iron, &c. August 23, lat. 44, 23, long. 41, 40, brig Nancy, Mitchell, from Philadelphia, for Bordeaux, 19 days out — Sept. 3, lat. 42, 17, long. 38, 20, ship William, Madock, 10 days from Alexandria. Sept. 6, brig Swift, N ves, 47 days from Copenhagen, for Rhode Island. September 7, lat. 43, 39, long. 58, 50, brig Prudence, 27 days from Liverpool for New York.

Brig Mary, Snow, of Bath, 28 days from Jamaica, lignumvitae.

Schr. Fortune, F ster, 40 days from Honduras, mahogany and logwood. Left, the brig George, Cox, of Norfolk, to sail in 20 days; brig Adriana, Shaw, of Portland.

Sloop Sally, Mozier, Windsor, 12—plaster.

The ship Romulus, from Russia, came to anchor off Fort Independence.

Cleared, Susan and William, Luce, Baltimore; sch'r. Greyhound, Garrison, Halifax; sch'r. Ann, Thurber, Windsor; ship Monsoon, Babson, Havana; sch'r. Olive, Palmator, Halifax.

The ship Janus, Stone, of Newburyport, put into Salem, from Russia, on Monday.

A very severe tempest was experienced, 29th and 30th ult. in about lat. 41, 30, long. 65.

*Fishery.* The sch'r. John, has arrived at Newburyport, from Labrador, with 93,000 fish. He reports sixteen American vessels left at Gross Water, Esquimaux Bay, and at Sandwich Bay, early in August, having on board no less than fifteen hundred thousand fish. Fish very plenty, but bait scarce.

The barque Eliza, Beadle, of Salem from Sumatra, has been lost at sea, crew saved.

**NEW-YORK, September 18.**

Arrived, the brig Rolla, Wells, 74 days from St. Petersburg, and 57 from Copenhagen, hemp, iron, and piece goods. Left at Copenhagen, July 20, ship Susan, Delano, of New-York for St. Petersburg, in 4 days. Spoke in the gulph of Finland, June 28, ship Camilla, Warden, from Amsterdam for St. Petersburg. July 1, ship messenger, Buffington, from Copenhagen for St. Petersburg, out 3 days. 15th, in Copenhagen Roads, ship Concordia, of New-York for St. Petersburg; and ship Martha of New-Beclford, for do. Lat. 60, long. 12, brig Sally, Sweet, 31 days from Boston for Hamburg. Lat. 50, 12, long. 37, 30, brig Hero, Hammond, 17 days from Wiscasset for Liverpool. The sloop general Stewart, Zuill, 14 days from St. Thomas. August 12, lat. 35, long. 70, 30, spoke brig Eliza-Ann, 6 days from Baltimore for Martinique.

*Below last night.*

The ship Chatham, Wasson, from Liverpool—and an eastern brig from Guadaloupe.

A ship, brig, and 3 schrs. pattern. Cleared—sch'r. Enterprize, Katten, Bermuda.

The ship Dryade, from New-York, has arrived at Bilbao.

**September 19.**

Arrived, ship Pomona, Whitemash, 44 days from Nantz, salt. August 19, lat. 45, long. 21, 42, spoke ship Argo, Hunt, of Boston, 16 days from New-Orleans, for Bordeaux. 22d, lat. 43, long. 27, spoke ship Orion, Bray, from Boston. 31st, lat. 43, 39, long. 44, 41, spoke ship Ann, 20 days from Bordeaux for New-York.

The ship Chatham, Wasson, 39 days from Liverpool, salt, coal and dry goods. Sept. 3, lat. 42, long. 54, spoke brig Constellation, of Plymouth, 7 days from Boston for Amsterdam. 5th, spoke ship Two Generals, 12 days from Norfolk for Liverpool; and brig Rover, Clark, 12 days from New-York for Greenock, in lat. 42, long. 55. 13th, saw a ship under jury main and mizzen masts, steering for Montog. On Monday, 10 leagues to the Southward of the Hook, saw a plain ship with no head and bright sides, and yellow mouldings, under jury main and mizzen-masts. Same day, passed the ship Halcyon, Reed, from Liverpool for Philadelphia.

The brig Sterling, Talbot, 10 days from Bassatterre, Guad. sugar. Left, ship Libra, Francis, for Newburyport, in 2 or 3 days. The sch'r. Federal Jack, sailed for Boston 2 days before. Sept. 11, lat. 35, long. 72, spoke sch'r. Favorite, 20 days

from Jamaica for New-York. Sept. 5, lat. 48, long. 68, was boarded by the brig Avon, Thrush, and detained 5 hours.

The sch'r. Harmony, Tunnell, 5 days from Norfolk, staves, flour and tobacco. Sailed in co. sch'r. Huldah, and Anna and 2 schooners from Fredericksburg, for New-York. There were 4 British ships and one brig in Hampton Roads.

The sch'r. Eleanor, Story, 12 days from Halifax.

The sch'r. Alfred, Kelly, Rappahannock, 12 flour, tobacco and cheese.

The sch'r. Dorothy, Sexton, from Richmond, coal.

The schooner Huldah and Anna, Fitzhue, 5 days from Norfolk, flour.

The schooner Prudence-Mary, Shaw, 10 days from Richmond, flour and tobacco. In James River, met the ship Two Brothers, of Duxbury, from Liverpool for City Point.

The sch'r. Betsy, Fagan, 16 days from Plymouth, N. C. naval stores, rum, &c.

The sloop Vigilant, De Cavada, 29 days from St. Jago de Cuba, molasses. Two days ago, spoke ship Ann, 23 days from Bordeaux for New York.

The schooner Sally, Hall, 30 days from Montego-Bay, rum & fruit. Left brig Jane, Rust, of Boston. The ship Emeline was at Falmouth. August 27, lat. 23, sch'r. Eunice, Allen, 16 days from Kingston for Boston. Spoke going into Cape Henry, the brig Columbine, from the Hook.

The sch'r. Hannah, Somers, 11 days from Alexandria, wheat and flour.

The sloop Prosperity, Morrell, from Duck Creek, corn.

The sch'r. Alfred, Collins, 18 days from Fredericksburg.

Below last night, a ship and two schooners. The ship supposed to be the Ann, from Bordeaux.

Cleared, ship Hardware, Law, Amsterdam.

From Montego-Bay papers to the 16th ult. received at this office.

Kingston, August 8.—Arrived, brig Helen, McCobb, Alexandria.

The sch'r. Cornelia, under Danish colours, from Port au Prince, bound to Jamaica, with dry goods, detained off Cape Nicholas Mole on the 2d inst. by the Lark sloop of war, arrived yesterday.

Arrived, brig Active, Tizza, from Jamaica to New York, detained by the La Mignonne.

Montego-Bay, August 8.—The schooner Jefferson, Hussey, sailed the 6th Aug. for New York.

The brig Sally, Patterson, from New-Orleans bound to this port, has foundered at sea in a gale. The master and crew were taken from her and arrived at Trinity.

**PHILADELPHIA, September 19.**

Arrived, ship Jane, Bliss, London, 42 days; Philadelphia, Smith, Liverpool, 45; ship Sterling, Johnson, London, 52—dry goods; Halcyon, Read, Liverpool, 43—dry goods; Active, King, Cork, 38; Pittsburg, Kelly, Tompkins; brig Sophia, Cer la, New-Orleans, cotton Peltry, &c. Francis, Dunley, Cadiz, 60; salt, &c; brig Lydia, Webb, Bordeaux, 48; sch'r. Clarissa, Ducker, Point Petre, coffee and sugar.

*Arrived at the Lazaretto.*

Brig Jennet, Allenson, Point Petre, via Antigua, 21, coffee and sugar.

Schr. M. K. Bayley, Ferguson, Havana, via Halifax, sugars.

Wm. and Samuel Anderson, Martinique, 21, sugars, &c.

Danish sch'r. Oxbolin, Conkling, Cape Francois, 12, coffee.

Schr. Huntress, Montgomery, New-York.

Cleared, sch'r. Young Carpenter, Fisher, Charleston.

**NORFOLK, September 16.**

Arrived, ship Courtney, Bryant, 53 days from Liverpool, salt.

**W. L. & J. Barney**

*Have for sale.*

Direct Bills on London, at 30 days sight.

*Also,*

The Cargo of the Snow Paragon, E. Eveleth, master, from Trieste and Sicily,

*Consisting of,*

Patillas, Farro, Marsala Wines,

Britannias, Hollow Glass Ware,

Cavallinos, Blue Marbled Castile Soap,

Listados, Zante Currants,

Checks, Sweet Almonds,

Olandinas, Black & col Sewing Silk,

Bastoneinas, Florentines, Green Silks &c

*Also,*

148 boxes superior quality Havana Sugars, and a few pipes old Madeira Wine.

Sept. 19. d2w eoth

**Russia Duck**

One hundred bolts RUSSIA DUCK, just received per schooner Friendship, from New-York, and for sale. Apply to the Subscriber at the Custom-House.

JAMES HAMILTON.

Sept. 19.

**City of Baltimore,**

September 18, 1807.

NOTICE IS HEREBY GIVEN,

THAT on Monday, the fifth day of October next, elections will be held in the several wards of the city of Baltimore, for two members of the first branch of the city council, for each respective ward for the ensuing year, and an election for two members to represent this city in the house of delegates of the state of Maryland.

THOROUGHGOOD SMITH,

Mayor of the city of Baltimore.

Sept. 19.