

# THE WILMINGTON GAZETTE.

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WILMINGTON, N. C. TUESDAY, MARCH 10, 1807.

[11TH YEAR.]

## Supreme Court of the U. States.

On Wednesday Mr. Martin, in a speech of four hours and a half, concluded the argument on the motion in the case of Messrs. Bollman and Swartwout.

On Thursday, the Chief Justice observed that the court had had the motion made in the case of Messrs. Bollman and Swartwout under consideration, but had not yet been able to make up a decisive opinion. In the mean time as the situation of the prisoners might be irksome to them, if they could find bail, they might be bailed until to-morrow.

The counsel of Messrs. Bollman and Swartwout observed that one day's additional confinement would not make any material difference.

The court added that they felt considerable difficulty with regard to the admissibility of the affidavit of general Wilkinson—whether a person making an affidavit that a particular paper contained the substance of an original paper in his hands, such affidavit was in such a case as the present, admissible evidence. They had not been able to find any authorities on this point. They therefore invited the researches of counsel into it.

Messrs. Rodney and Martin said they would deem it their duty, under this request, to submit to the court such precedents as they could find on the subject.

## Extract of a letter from Col. Ferdinand L. Claiborne to his friend in this city.

Natchez, 20th Jan. 1807.

DEAR SIR,

I returned yesterday from an expedition up the river, with five hundred and fifty men drawn from this and Jefferson county, and destined to meet Col. Burr, who, with a considerable body of men, was encamped at the Bayou Pierre. When informed of my approach and orders, by major Shields, aid-de-camp to the governor, he surrendered himself and party prisoners—they have been turned over by the executive to the civil authority of our country. What the issue will be, or when he will be tried, is uncertain. His arms and other military stores, I expect, were taken possession of on yesterday, by a detachment from my command. Our country is full of those adventurers—our commerce destroyed, and the two territories in complete confusion.

## Senate of the United States.

February 10.

Dr. Logan observed, that he had for some time viewed with anxiety the continued depredations committed on the commerce of the United States by the belligerent powers of Europe, by which our mercantile capital had suffered a loss of millions, and our national character was degraded. He considered this lamentable situation of our commerce to arise from the bounty, in the form of drawback given by governments to encourage the carrying trade, by which our merchants were led into unnecessary conflicts with foreign nations—he therefore moved that a committee be appointed to consider the propriety of repealing so much of any act as allows a drawback of duties on goods, wares, and merchandize exported out of the United States, and that such committee be instructed to report by bill or otherwise.

February 17.

The reports and ordinary business of the day having been disposed of, the Senate took up the bill from the House of Representatives, for repealing the duty on salt, and for continuing in force the 2-1-2 per cent additional for the Mediterranean fund. Dr. Mitchell made a speech against the bill, until the hour of adjournment.

February 18.

The same bill being again under consideration Mr. Maclay spoke at length in favor of the bill, and in answer to Mr. Mitchell. After him, in the course of the debate, Messrs. Bradley, Smith of Md. Adams and Hillhouse, argued against the bill. And Mr. Moore delivered his sentiments in his favor.

February 19.

The question was taken on the two first sections of the bill, and carried to strike them out: Ayes 17, noes 15. Afterwards on motion of Mr. Bradley, a substitute was offered and agreed to repealing the duty of 8 cents, as imposed in 1797, from the 1st July next. And Gen. Smith moved an amendment, which was carried for shortening the continuance of the bill from the end of the next session of Congress to

the 31st Dec. next. In this form the bill has passed to a third reading.

## House of Representatives.

Tuesday, February 17.

A message was received from the Senate, stating that they had passed the bill authorizing the President of the U. S. to accept the service of a number of volunteer companies not exceeding 30,000 men; also an act further supplementary to the act entitled an act concerning the district of Columbia; and that they had agreed to all the amendments proposed by the House to the bill to prohibit the importation of slaves, except the 9th amendment.

The House proceeded to consider the following resolution, offered by Mr. Broom:—  
“Resolved, That it is expedient to make further provision, by law, for securing the privilege of the writ of Habeas Corpus to persons in custody, under, or by color of, the authority of the U. S.”

Mr. Broom moved a reference of this resolution to a Committee of the Whole House. On this motion a debate arose, which occupied the residue of the sitting.

Wednesday, February 18.

The House considered the message of the Senate, stating their disagreement to the 9th amendment proposed by the House to the bill prohibiting the importation of slaves into the U. S. determined to insist thereon; and appointed a Committee of Conference on their part.

The House resumed the consideration of Mr. Broom's resolution on the subject of the writ of Habeas Corpus.

The debate was resumed, and continued till near five o'clock.

The original motion to refer the resolution to a Committee of the Whole House was varied, and a motion offered to refer it to a select committee.

The House adjourned without taking the question.

Thursday, February 19.

Mr. J. Clay offered a new rule, in addition to the standing rules of the House, fixing the order in which business shall be done; which was ordered to lie on the table.

Mr. Morrow of Ohio from the committee on the public lands, to whom was referred the amendments of the Senate to the bill confirming the claims to land in the district of Vincennes, reported the same without amendment—Referred to a committee of the Whole House to-morrow.

Mr. Holmes, from the Committee of Claims, made a favorable report on the petition of Daniel Cotton, which was referred to a Committee of the Whole to-morrow.

Mr. J. Clay, from the committee to whom was referred an act from the Senate in addition to the act relative to the mint, reported the same with one amendment—Referred to a Committee of the Whole to-morrow.

On motion of Mr. Varnum the house determined for the remainder of the session to meet at 10 o'clock in the morning.

The House resumed the consideration of the resolution offered by Mr. Broom. The debate was opened by Mr. Barwell, who advocated the reference of the resolution and concluded by moving to amend it by inserting after the words states, the following words “and the necessity of defining the power of the supreme court of the U. States, in issuing a writ of Habeas Corpus.”

This amendment was agreed to without debate—Ayes 76.

Mr. Quincy supported; and Messrs. Jackson, Bidwell and Gregg opposed the reference of the resolution to a select committee.

Mr. Gregg, moved to postpone it indefinitely.

This motion was supported by Messrs. Smilie, Eppes, Elmer and Sloan; and opposed by Messrs. Neuton, J. Randolph, Elliot, J. Clay and Kelly.

When the question was taken at 3 o'clock by Yeas and Nays, on the indefinite postponement, and carried in the affirmative—Yeas 60—Nays 53.

## NORFOLK, February 15.

Yesterday arrived in Hampton roads bound to Baltimore, the schooner Thatcher, Hawes, in 20 days from New-Orleans, on board of which is Lieutenant Lockhart, having in his charge General Adair, of Kentucky, and Mr. Ogden, taken up by General Wilkinson as associates with Colonel Burr. Of Ogden's arrest the public have been already informed. From a passenger who came up from the Thatcher, we learn, that General Adair was taken up about the 9th of January; he left his baggage and horses on the other side of the Lakes, and was proceeding as a private person, on foot, to New-Orleans, when he was apprehended. Report at New-Orleans, stated that Burr's force was 7,000 men, but our informant does not remember where Burr was. The embargo was raised on the 30th December. The United States, brig Franklin passed the Belize on the 21st January, with troops for New-Orleans.

New-Orleans, Jan. 8.

Yesterday the battalion of Orleans volunteers were paraded in front of the Military Barracks, and took the oath of allegiance, which was afterwards administered to the officers and privates. The general addressed the officers at considerable length, and declared the whole battalion to be under military law.

The 1st, 2nd, and part of the 4th regiments of militia were at the same time reviewed by the governor, who also took the like oath, and administered it to the officers of these regiments.

Yesterday about 3 o'clock the U. S. sch'r Revenge, Lieut. Read, exchanged a salute with Fort St. Charles, and sailed up the river to join the squadron which is stationed at Point Coupee.

## From our Gazette Extra of Tuesday.

This day, about 1 o'clock, the aid-de-camp of Gen. Wilkinson, read the following in the Coffee House, and had it posted on the boards:

GEN. WILKINSON regrets that it is not in his power, from a pressure of public interests, which imperiously commands his attention to be at the Coffee House as he intended this day.

He therefore takes this mode of warning the merchants and ship owners to hold their vessels in readiness to haul off into the stream, should it be found necessary, at the shortest notice. But he begs that this may be considered merely as a salutary precaution, not that he believes Col. Burr is at Natchez, or that he will ever reach this city under his own volition; and he warns the citizens not to respect the rumours in circulation, because the general by a letter from Col. Burr's own hand, written to Dr. Bollman, is authorized to say that the colonel's utmost calculation of force did not exceed 6000 men, and that he would, in person precede the main body with about 2000 men to Natchez, where he intended to halt.

The faithful citizens may be assured that with moderate exertions only, and the decisive expulsion of traitors, the storm will burst over the heads of its authors, and hurl them head-long to perdition, whilst the inhabitants of this city shall dwell in security.

## Extract of a letter from Cowles Mead, Secretary and acting governor of the Mississippi territory, to the department of war, dated Washington, M. T. January 19, 1807.

SIR,

In obedience to your instructions by express of 20th of December last, I immediately, after proroguing the legislature, proceeded to put the territory in a state of preparation for the arrestation of the suspicious persons and boats, which were contemplated therein; my militia were collected at particular points on the river, when I received a letter from Col. Burr, who had landed at Bayou Pierre, with nine boats and about 100 men. This letter went to an avowal of his innocence of the charges, which rumour and public apprehension had announced against him, and solicited me to appease the fears, which his approach had begotten; at the same time he guarded me against the horrors of civil war, and the evils resulting from such a state of things; this seeming treat induced me to adopt a different mode of conduct, from what the col. might have expected; and instead of adopting his pacific admonition, I ordered a very large portion of the militia of the territory to rendezvous at certain points, and wait further orders. With the promptitude of Spartans, our fellow citizens shouldered their firelocks, and in twenty-four hours, I had the honor to review 375 men at Natchez, prepared to defend their country. They were ordered under the command of Col. Claiborne; to a point on the river about 21 miles above the city, there to remain to guard the river, and intercept, for inspection, all boats that might descend the river. On the 16th, I dispatched two of my aids to Col. Burr, who had tendered his respect to the civil authority; these gentlemen engaged on my part to give the colonel an interview in the neighbourhood of the detachment stationed at the mouth of Cole's creek. Conformably thereto I met the col. on the 17th, and after a lengthy interview, he offered to surrender himself to the civil authority, of the territory, and to suffer his boats to be searched. On the 18th, Col. Burr, accompanied by my aids, majors Shields and Poindexter, rode down to the place, and was committed to the highest tribunal, of the civil authority, where he now remains for trial.

Four gentlemen of unquestionable respectability, with a detachment of 50 men, are now in the act of making the search of the boats, and to-morrow I expect their report.

“Thus fir, this mighty alarm with all its exaggerations, has eventuated in nine boats and one hundred men, and the major part of these are boys, or young men just from school. Many of their depotions have been taken before Judge Rodney, but they helpless ignorance of the views or designs of the colonel. I believe them really ignorant and deluded. I believe that they are the dupes of stratagem, if the assertions of general Eaton and Wilkinson, are to be accredited.”

AUGUSTA, (Georgia) Feb. 12.

An express went from this place on Saturday morning last, with dispatches for the President of the United States, and Secretary at War. The dispatches were received here by mail, and their contents or importance are not known; but the Post-Master was induced to forward them by express, in consequence of the following information, which he received, and which also was received by a letter from a gentleman at Milledgeville, to one of the editors of this paper. That “the dispatches forwarded by mail for the President and Secretary at War, were from Gen. Wilkinson, and were received at Oakmudgee Fort in nine days from Orleans, by an express, who had orders to be back at Orleans in six days more; the commandant at the fort, forwarded the dispatches to the Post-Office at Milledgeville, by Dr. Rawlings, who informed, that Burr had collected a force of 12,000 men, and was descending the Mississippi, and was daily increasing in numbers; that Gen. Wilkinson had stationed some gun-boats, and what other vessels he could collect armed, opposite Natchez, to stop Burr if possible, and if he could not effect this, he intended to make another stand at Orleans—but it was the general opinion that Burr was too strong to be opposed with success. Lieut. Lockett, of the United States army, was arrested and in irons, in making an attempt to join Burr, and in huzzing for him.”

Herald.

## Extract of a letter from Albany, (Gen.)

“Orders are received from the Post-Master General, to forward the mails to Orleans, if necessary, by express. President Meigs is invetled by the fame, with powers to remove any Post-Master, agent or contractor, on the least neglect of duty, or suspicion of connexion with any criminal party.”

From Baltimore, Feb. 2.

To the politeness of a gentleman, just arrived from St. Thomas, we are indebted for the latest intelligence from the republic of Hayti. The papers furnished contain an account of operations down to the 27th December, inclusive—on which day the new Republican Constitution was adopted.

On the 5th December, 1806, general Christophe appeared on the skirts of Port-au-Prince, with an army of 10,000 men to compel the body of people assembled together to FRANK A CONSTITUTION to appoint him emperor of Hayti. On his arrival there he sent a flag of truce, and desired to have a conference with general Pichon, commander at Port-au-Prince, who went out to meet him with what soldiers he had; and instead of conference, as soon as Pichon came within gun-shot of him, his men were fired on by Christophe; when a short engagement ensued, in which there were some officers and men killed on both sides. Pichon got into Port-au-Prince, and kept Christophe from committing any material depredations on the town—As his army was but few in number, he thought it most advisable to act only on the defensive, and not pursue Christophe, after having driven his troops out of town, at the end of which they had entered it.

Dispatches were immediately sent by Pichon to all parts of the South, where they have dominions, for troops, arms, ammunition and provisions, and on the day following there was not a mule to be found, or scarce a man that could bear arms in the town of Jacmel all had repaired to Port-au-Prince to join Pichon's army, carrying with them provisions and ammunition for the occasion. Several skirmishes took place in the course of eight or ten days—during which time, Christophe's army was within two or three miles of Port-au-Prince, and had several times entered it, but was as often repulsed.

On the 10th of January, news were received at Jacmel, that Christophe had been defeated, and that the greater part of his soldiers revolted and joined the other side; that he had fled for his life; that Pichon's army were in pursuit of him, and no doubt prevailed, but they would overtake him—in which case, death would inevitably be his lot, as they were determined to belicid him, and establish a federal or republican government.

On the night of the 10th January, Jacmel, was illuminated on the occasion.