are to compose it should have comhad. But it is necessary that there sikuld be an actual assemblage, a. therefore the evidence should make the fact unequivocal

The traveling of individuals to th place of rendezvous, would perhap and be sufficient. This would be an equivo ect, and has no warlike p pearance. The meeting of particu dar bodies of men and their marchi from places of partial to a place of general rendezvous, would be such an assemblage.

the particular words used by M Swartwood are, that Col. Blurr vat Jevying on armed body of 7000 mgh If he term levying in this place in ports that they were assembled, the such fact would amount, if the intention be against the U. States, : levying war. If it barely imports that he was enlisting rengaging them in his service, the fact would not amount to levying war.

It is thought sofficiently apper is that the latter is the sense in which the term was used. The fact allu ded to, if taken in the former sense is of a sature so to force itself upon the public view, that if the army had then actually assembled, citter to gether or in detachments, some evi dence of such assembing, weath have been laid he fore the court.

The ords used by the prisoner in reference to seizing at N. Uricans, & borrowing perhaps be force from the back, shough muicating a design rob and consequently importing a high offence, do not designate the specific crime of levying war against

the U. Mates. It is therefore the opinion of a majority of the court, that in the car of Samuel Swartwout, there is sufficient evidence of his levying was against the U. States, to justify to commitment on the charge fire son

Against Erick Bollman here is still less testimony, Nothing has b said by him to support the charthat the enterprize in which he w. engag, d had any other object tha was stated in the let er of Col. B arr. Against him, therefore, there is no evidence to support a charge of tre:

That both he prisoners were gaged in a most culpable enterpris against the dominions of a power peace with the U. States, those wa admit the afficiavit of Gen. Wilkinson cannot doubt. But that no part of this crime was committed in the districof Columbia, is apparent. It is there fore the unanimous opinion of the court, that they cannot be tried is this district.

The law read on the part of the prosecution, is understood to app! only to offences commifted on the high seas, or in any river, hav uba on or bay, not wi hin the jurisdic. tion of any particular State. In these cases there is no court which has particular cognizance of the crime, and and therefore the place in which the criminal shall be apprehended, or. i he be apprehended where no courth. ex-lusive jurisdiction, that to who be he shall be first brought is substituted for the place in which the offence was committed.

But in this case, a tribunal for the trial of the offence, wherever it may hav, been committed, had been pro vided by Congress; and at the place whe c' the prisoners were seized by the authority of the commander in leved, they met no further attention chief, there existed such a tribunal It would too be extremely dangerous to say, that begains the prisoners were apprehended, not by a civil magistrate, but by the military power. there could be given by law a righ to try the persons so seized in any place which the Ganeral might select and to which he might direct them to be carried.

The act of Co gress which they had made his escape. prisoners are supposed to have violated, describes as offenders these who begin, or set on foot, or provide or prepare the means for any milit :ty ex edition or enterprize, to be carries on from thence against the do mintons of a foreign prince or state. with whom the U. S. are at peace.

There is a want of precision in the description of the offence, which might produce some difficulty in deciding what cases would come with-Fin it. But several of questions wise, which a court consisting of four judges finds itself unable to decide; & therefore as the crime with which the prisoners sound charged has now has a committed, the court can only direct them to be discharged. This is done with the less reluciance, bee use the discharge does not acquibeen from the off nce which there i, probable cause for supposing they have committed; and if those whos early is is to protect, the nation by muscouting offenders against the laws, shall supp se who have been charged with treason to be proper onic is for purashment, key will n p saess q of less exceptionable n niv. and when able to say a lace the offence has been com-1.511. institute fresh proceedings

COLONEL BURR.

NATCHEZ, Feb. 10, 1807.

On-Monday the 2d inst. an ad owned Session of the Sup eme Court of the Mis-issippi Territory was held in the town of Washington to which Arron Burr was recognized to appear & answer such bill of indictment as might then and there be exhibited against him -Colonel Burr appeared on the day mentioned in his recognizance, att nded by his counsel William B. Shiel is & Lyman Harding Esqs. Agreeable to a venire facias, 1-su d of the Hon. I. Rodney and Peter B Bruin, a jurt of seventy-two freeholders appeared in court, and on the day fo lowing, twenty three of their number were selected by the court as a grand inquest. The Tho. T. Rod ey then delivered to them a comprehensive and impressive charge, and the court was adjourned until ten o'clock the succeeding day-At which time Mr. Pointexter, the Attorney-general, m ved the court to discharge the grand jury. He stated that after examining the depositions submited to him by the court he did not discover any testimont which or 't th offences charged against Col. Buer, within the jurisdiction of the ourts of the Mississippi Perritore; in the Sunreme Court of the Missis ippi Territory was not a court foriginal junsdiction, either tri-

pipal or civil, and could take cognzance.only of points reserved tel in the respective circuit courts, viere all criminal prosecutionis must originate, according to the thutes of the Verritory. He fureier observed that in order to seur- the public safety, the territo-

1 Judges ought immediately to to up tent to try and punish him, guite of the charges alledged in mst him) which they might legaily do, and ther fore effectually revent the contemp ated military xp dition against Mex co, and nontal a inviolate the laws and institution of the United States. there fore hoped that inasmuch s the Attorney prosecuting for the United States had no bills lor the onsi leration of the grand jury, Referred to a committee of the that they would be discharged.

Col. Burr made several observations against the motion, and remarked that if the Astorney-gene ral had no misiness for the grand jury, he had, & that therefore they aight n t to be dismissed. On the motion the court was divide! .-Judge Bruin declared himself op posed to discharging the grand jury, unless Col Hurr was also instandy discharged from his recog-

The Attorn-y-generalthen withdrew, and the grand jury were diected to r tire to their room, who in the course of the day returned with sundry presentments. W leem it unnecessary to remark that these presentments were not lounded on any bill exhibited to the grand jury, and that being negatithan a mere perusal.

On Wednesday evening, the grand jury were discharged, and Col. Burrdemanded a release from nis recognizance—this the court refused. He did noi appear in court on Thurday morning, as was expected, and in a day or two, it was reduced to a certainty that he

We understand that his Excellency Governor Williams intended to seize on the person of Col. Burn the moment he was discharged by the judicial authority, and has offered by, proclamation, a reward of 2000 dollars for his apprehen-

At a Supreme Court, held for the Mississippi Territory, at the Town of Washington, on Tuesday the 3a of February, 1807.

The grand jury of the Mississippi Territory, on a due investigation of the evidence brought before them, are of opinion that Aa ron Burr has not been guilty of any crime or misdemeanor against the laws of the United States or of this Territory, or given any just o casion for alarm o. inquietude to he good people of this Territory.

I se grand jury present as a grievance, the late military emedition, unnecessary as they conceive, fitted against the person and property of said A. Bur, where no resistance has been made to the ordinary civil authority.

The grand jury also present as highly derogatory to the dignity of this government, the armistice (so | legislative act, in any wise to a-

the said Aaron Burt.

a grievance, destructive of person slaves: therefore, al liberty, the late military arrests, made without warrant, and as they conceive, without other lawful authority; and they do seriously regree that so much cause should be given to the enemies of our glorious constitution, to rejoice insuch measures being adopted in a neighboring Territory, as if sanctioned he the Executive of our country, must sap the vitals of our political existence, and crumble this glo ious fabric in the dust.

PHILANDER SMITH, Foreman.

Congress.

HOUSE OF REPASSENTATIVES.

Thursday, Feb. 26, Mr. Parke, from the committee to whom was referred the petitions of certain persons calling themselves a committee of the Illinois country, and peritions of other persons, the former in favor of de viding the Indiana territory, mad: a report, that it is expedient at this time to divide the Indiana territory, in which the House concur-

An act making provision for the disposal of the public lands simated between the U. S. militare tract and the Connecticut reserve and for other purposes, was read the third time and passed.

The Speaker laid before the House a letter from the Secretary of the I grasury, transmitting a tatement of the exports of the S. for the last year.

A message was received from the Senate, stating that they insisted on their amendments to the Virginia militari warrant biil; ever the accused to a tribunat from their disagreement to which the House receded-Aves 72.

A message was received from the Senate, stating that they had passed a bill in addition, to an act for laving out a road from Camperand, in Maryland, to the state of

The bill appropriates 259,000 dollars, p wable out of the proceeds of the sale of lands in the state of

whole to morrow.

The House resolved itself in o a committee of the whole, Mr. B sset in the chair on the bill making appropriations for the support of government for the year | Noes 40.

After filing the various blanks the committee rose and reported the bill.

The House reso ved itself into a committee of the whole—on the act to regulate and fix the compensation of clerks, &c.

Having filed the several blanks the committee rose and reported the bill, which was ordered to a third reading to-morrow.

The House of Representatives continued in uninterrupted session on Friday the 27th uit. from ten o'clock, A. M. to eight o'clock in the evening, and on Saturday sat from ten A. M to five P. M. when an adjournment took place till seven o'clock. Indisposition prevented us from attending the evening session of the last day; which likewise prevents our offering at present any more than a concise notice of the most important proceedings, reserving their detail for a future

On Friday, Mr. J. Rudolph made an animated speech in order to shew that the sen section of the act probiniting the importation of s aves into the U.S. involved the exercise of a power not possessed by Cougress, which was subversive of the rights of property of the holders of slaves, and which might eventuate in their general emancipation; and concluded by asking leave to present a bill to explain & amend that act.

After some remarks from Mess. Goldsboro, Quincy, Lyon, Fisk, and Smile, Mr. J. Randolph va ried his motion, so as to appoint a committee to bring in a full. - This motion was agreed to-Ayes 61.

A short time after Mr. Randolph presented from the committee the following explanator, act.

"Whereas doubts have arisen, or may arise, touching the construction of the 8th section of the act of which this ac is explanato ry; and whereas Congress disclaim and disavow all constitutional right title or authority whatever, by any Il cailed) concluded between the Seal bridge, modify or affect the right

cretary, acting as Governor, and of property of masters of slaves' by Meesrs. Jackson, Alston, Smi not imported into the U. Scates die Bidwell, Sloan, Varnam, Fisk,

> nate and House of Representatives Lyon: when the question was taof the United Stites of America, in ken by year and nays, and the first Congress assembled, That nothing member of the motion carriedcontained in the 8th or any other | Yeas 60-Nays 40. section of the afores id act, shall be construed to abridge, modify or lagreeing to the second member of affect, in any manner whatever, the the motion; which was carriedfull, complete and absolute right | Yeas 46. Nays 43. of property of the owner or master . When the whole motion was a. of any slave, such slave not being greed to—Yeas 44—Nays 39.
> imported contrary to law, in and In this debate all the Speakers to such slave; and such owner, of declared themselves, in favour of master, as aforesaid, shall not be repeating the duties on salt, the subjected to any disability, or lia- diversity of sentiment and vote able to any fine, penalty of forfei | rose from the mode in which it was ture, although such master or own- lattempted to effect this object. er, or his or transported imported co tent to sell the or place within the U. States, to any other port or place, in a vessel templated. of less burthen than forty tons."

The act h ving been read twice, Mr. J. Randolph moved that it be engrossed for a third reading.

to a committee of the whole.

sed this motion. He set forth the deep stake the southern States had in immediately arresting the invasion of their rights made by the 8th section, and the consequent necessity of passing the explanatory law this session, which would not be done, unless it passed the figure without delay, as it was in the power of a single member of the Senate to prevent the passage of a bill unless read on three several days. He a ded, that he trusted. if this bill did not pass, that the Virginia delegation would wait on the President, to remonstrate a the act which had bassed.

and Rhea of fen. advocated the of other business. reference of the bill to a committee of the whole, and its being printed the motion of Mr. Jackson relative previously to coasid ration. They to a repeal of the duties on sait, egree to any proposition that should Fisk presented a bill, correspondhot go to hazard the great objects ling in its objects with the intimimuch impor ance.

The question was taken on re- lay. (Nat. Int.) the whole, and carried -Ayes 58,

Mr. J. Randolph moved that it be made the order for this day. A motion was also made to make

it the order for to-morrow. On this last motion the year & navs were taken, and were, yeas bill to amend the act entitled . An 60 -nays 40 -When the bill was ordered to be printed.

The house agreed to consider the report of the committee of the whole on the appropriation oill. Mr. Alston moved that the house should again resolve itself into a committee of the whole on this bill, and said his purpose was, in case ther should, to mave a new section repealing the duty of 8 cents on salt from the 1st of July, & that of 12 cents from the 1st January and continuing the Medi erranean

fund until the 1st of January next. After a few remarks from severd gentlemen, this movion was disagreed to-Aves 39-Navs 50; principally on the ground of the impropriety of introducing such provisions in the appropriation only

the whole on the appropriation bill was then considered, and the bill ordered to be engrossed for a third

A message was received from the Sanate stating that they had stponed until the next session, RACING PERFORMANCES. the bill relative to the redemption of the public debt providing for stakes, for 3 year olds, two mile neats, the reimbursement of the 3 p. cents in case of the refusar of the holders to some into the new loan.

Mr. Alston moved for leave to bring in a bill for the repeal of the duties on sait, &c.

This motion was declared by the Speaker and the House to be out of order, the standing rules of the House requiring a day's notice of such motion.

Mr. Jackson then moved for the appointment of a committee to enquire into the expediency of repealing the duties on salt, and continuing for a limited time the Mediterranean fund.

A division of the question was

called for.

On agreeing to the first part of the motion, a long and interesting debate ensued-It was advocated since

I've grand july also present as contrary to law, in and to such Eppes and Burwell—and opposed Messrs. Quincy, J. Randolph, " Sec. 1. Be it enacted by the Se. R. Nelson, Elmer, Ely, Lloyd &

Mr. J. Randorph spoke against

at, may have The opponents of the motion conave, not be rended that it became the Senate. with in- and not the House, to take the profrom me port posed step, which they said was not likely to an wer the end con-

The friends of the motion, on the other hand, urged the poli v of pursuing every mean in their power to effect so important an object: Mr. Quincy moved its reference and declared their confidence, that on a proper understanding between Mr. J. Randolph warm's oppo- the two houses, it would be accomptished.

As soon as the last vote had been teken, a motion was made that the committee should consist of three members.

On patting this question, it w s found that there was not a quorum of mambers present

A call of the House was men ordered, for the purpose of noting the absentees.

The call having been made, and a quorum not appearing to be present, en adjournment took place shout 8 o'clock.

On Saturday the House passed gainst his giving his sanction to the general appropriation hit, and several other bills of minor consi-Messrs. Fisk, Quincy, I homas deration, & transacted a good deal

A committee was appointed on

of the bit passed by the two tion of Mr A ston on moving for houses; but their indisposition to a recommitment of the appropriaact precipit tely on a subject of so thion bill, which was referred to a committee of the whole house that

HHLISBOROUGH RACES

Will commence in the 6th of April next B) order of the Club.
HENRY THOM-O', jun Sec

The beautiful and thor ugh bred Horse



Now rising four years old,

[711.L stand the ensuing Season, which will commence the tenth of larch and end the tenth of August, at my table at the Red House in Ca well County, and will be let to Mares at six Deliars the .eap, Cash; twelve Dollars the Season, payable the first of January next, all 24 Dollars to insure a Mare to be with Fial, which will be dema ded if he Proerry of the Mare is changed. The Subscriber is justified from the most unquistionable authority, to say, that CITIZEN ranked among the best Stallions in this Country; his Coles not being it ferior to any, and he being a remarkable wire Foal RICHARD OGILBY. PFDIGREE.

I do hereby certify, hat Mr Sterling Ruffin's Bay Horse Citizen was fooled in The report of the committee (1 1798, my Property, that his sire was Mellreand dam Minerva, by Obscurity, great grand dam Diana, by Glaudius; great freat grand dam Sally Painter, by Starsing, out of the imported Mare Silver. Both Silver and Starling were got by the Belleize Ara-

WM. E BRODNAX.

October, 1801, New-Brunswick Sweep-Dollars entrance. 86 lbs, each, upwards of 20 Subscribers, Mr. Burwell Wilke's g. f Perfec-

mr. John Drummond's g. g. Buckskin, by President,

Mr. Grifin Stith's b f. — by

A

bian in England.

Dr. Richard Field's g. g. Dare Devil, : -Each heat run in three minutes fifty-se-

New Bronswick meeting, October, 1872, 450 Dollars, four mile heats, free for all ages, weights as at New Market.—
Mr. Sterling Ruffie's b., h Citizen, by Mellzar, Mr. Burwell Wilke's h. h. Chauti

cleer, by Chanticleer Mr. Griffin Stith's b. m. ---

In a few days after this Race, Chart cleer beat Doctor Pasteur's faincus Herst Snap Dragon, at Warrent n, three mit heats. Citizen has never been on the

a wainst the

asted,