

thus implicitly confide in his statements is truly wonderful. From Miranda's own representation to them he appears to have been an adventurer, without possessing himself the means of carrying his purposes into effect. To gain these means it was necessary to avail himself of the resources of others. What better way of compassing this, than by leading those, whom he had predisposed to join in his scheme, to believe that his measures were approved by their government? But does his having duped these men furnish any proof against the administration? On the contrary the imputation of the one goes to exculpate the other.

But the letters of Miranda to the President and Secretary of state are relied upon. That to the President is a mere letter of civility. That to Mr. Madison is more pointed, and is doubtless to be viewed as a link in the chain of imposition, fabricated by an artful man, fertile in expedients. Let it be recollected that these letters are adduced by O'Connell. He must have got them from Miranda. When? Most probably at the time they were written. This then furnishes the clue to the object for which they were written; and shows that they were written the more completely to cover his designs by furnishing to his attachments, with they would consider additional evidence that the administration favored his views. To Mr. O'Connell an Smith the sight of such a letter could not fail to strengthen their credulity. At the same time we must be permitted to remark that their *framing copies* of these letters is a circumstance not well calculated to excite suspicions whether their credulity was not in some measure voluntary. But does Miranda, in his letter to Mr. Madison say one word about the fitting out of the *Leander*, about an expedition to Carriacou, or about enlisting soldiers? Not a syllable; the terms are studiously general; and, as while they served to deceive O'Connell and Smith, imparted no light to the government as to his measures. Whether these letters were really written, whether they were ever received, whether they were truly, or altogether, or altogether ignorant. In the remarks we have offered, we have cited every thing we seek to show that even then no proof of the participation of the government exists.

Why were these memorials presented to Congress? What good end could they answer, particularly on the last day of the session? Was it possible for Congress to interpose? Was such interposition within the sphere of their duties, had even the memorials been presented at an earlier period? The reply we have recently published applies equally to this point. The presentation could not aid the memorialists, because Congress could not interpose. What use then could be their object but to excite suspicions respecting the motives and measures of the administration, by whose directions one of the memorialists had been ejected from office, and both of them present and for intruding the laws of their country.

To this same spirit we are to ascribe the summoning in the heads of departments, in the capacity of witnesses, to New-York. What testimony can they give, even admitting for argument sake all that is alleged by the memorialists to be true, that will serve them? Should even the participation of the government in the expedition be established, will that screen the memorialists from the punishment annexed to an infraction of a positive law of the land? No.—The only consideration for the jury will be, whether the charges pleaded are true or not. If they are found to be true they must find the accused guilty. On this point, then the testimony of the heads of department can have no bearing. It is not, perhaps, going too far to say, it cannot be received. Certainly it will be altogether irrelevant. It can only be of any avail, after the accused has all been found guilty of the charges preferred against them, and when the court are about to fix the quantum of fine and term of imprisonment. Have then these subpoenas been issued to embarrass the administration by translating them from their scene of business; or has it been supposed that they would not consider themselves under an obligation to obey them, and would not repair to New-York; or if obeyed, that the court would over-rule the admission of their testimony? And has it been expected from such an issue to gather new materials for impressing the opinion on the public mind that there is something behind the curtain too dark to be exposed to the public eye? We will not be so uncharitable as the memorialists have been to the administration, in ascribing to them motives thus impure; but we must be permitted to say that the course they have pursued is to us inexplicable on any correct principle.

Before we close these hasty remarks, it may be proper to call the attention of the public to the duties of the Executive in cases similar to that under consideration. It is to be recollected that ours is a government of laws, not of men, and that consequently it is as much the duty of the government, in the measures it takes for the punishment of offences, to confine itself to the course authorized by law, as it is the duty of the citizen to obey the law. A deviation from this principle in either instance is equally an infraction of law. What then are the duties of the government, as prescribed by law, in such

By an act of Congress, it is provided that if any person shall within the territory or jurisdiction of the U. S. begin or set on foot, or provide or prepare the means for any military exhibition or enterprise to be carried on from thence against the territory or dominions of any foreign prince or state with whom the U. S. are at peace, every such person so offending shall, upon conviction, be adjudged guilty of a high misdemeanor, and shall suffer fine and imprisonment at the discretion of the court in which the conviction shall be had so as that such fine shall not exceed \$3,000 dollars, nor the term of imprisonment be more than three years.

If this provision is infringed, what course is to be pursued? The answer is given in a subsequent section of the same law. "In every case in which a vessel shall be fitted out or armed, or attempted to be fitted out or armed, or in which the force of any vessel of war, cruiser or other armed vessel, shall be increased or augmented, or in which any military expedition or enterprise shall be begun or set on foot contrary to the prohibitions and provisions of this act; and in every case of the capture of a ship or vessel within the jurisdiction or protection of the U. States, as above defined, and in every case in which any process issuing out of any court of the U. S. shall be disobeyed or resisted by any person or persons having the custody of any vessel of war, cruiser or other armed vessel of any foreign prince or state, or of the subjects or citizens of such prince or state. In every such case it shall be lawful for the President of the U. S. or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of U. S. or of the militia thereof as shall be judged necessary for the purpose of taking possession of or detaining any such ship or vessel, with her prizes or prizes, if any. In order to the execution of the prohibitions and penalties of this act, and to the restoring such prizes or prizes, in the cases in which restoration shall have been adjudged, and also for the purpose of preventing the carrying on of any such expedition or enterprise from the territories or dominions of a foreign prince or state, with whom the U. S. are at peace."

From this statement it follows that a military expedition or enterprise must have been begun or set on foot before the President could interpose. It follows that before directing a prosecution some overt act must have been committed & that it did not belong to the executive to act on mere surmise or rumor, which might be groundless. That Miranda cherished the hope of liberating America from her dependence on Spain, has been long known to the world; that he may have conversed with the President, the Secretary of State, members of Congress and other public characters, on the subject, is extremely probable.—But there is nothing from which appears that he avowed the means he intended to use; or that there was ever any reason to believe that he was about to take the steps actually pursued by him.

In the celebrated Mandamus Case before the Supreme Court of the United States, Mr. Lincoln, acting Secretary of state, being called upon to give testimony, Mr. Lee stated "that the duties of a secretary of state were two-fold. In discharging one part of those duties he acted as a public ministerial officer of the United States, totally independent of the President, and that as to any facts which came officially to his knowledge, while acting in this capacity, he was as much bound to answer as a marshal, a collector, or any other ministerial officer. But that in the discharge of the other part of his duties, he did not act as a public ministerial officer, but in the capacity of an agent of the President, bound to obey his orders, and accountable to him for his conduct. And that as to any facts which came officially to his knowledge in the discharge of this part of his duty, he was not bound to answer."

The court said, "there was nothing confidential required to be disclosed. If there had been he was not obliged to answer it; and if he thought that any thing was communicated to him in confidence he was not bound to disclose it."

American AND COMMERCIAL DAILY ADVERTISER

FRIDAY, JUNE 20, 1866

Mr. PECHIN,
AS the period is near at hand when we shall be called upon to elect sixteen directors for the Union Bank; and as only eleven of the present board are eligible for the ensuing year—a number of stock-holders beg leave to recommend the following gentlemen as new directors, viz.
GEORGE F. WARFIELD,
HEZEKIAH CLAGETT,
JAMES ARMSTRONG,
JOSEPH H. NICHOLSON,
BENJAMIN WILLIAMS.

COURT OF VICE ADMIRALTY.
Tuesday, 3d June, 1866.
Before his honor HENRY MORETON DYER, Esq. Sole Judge and Commissary.
S. W. WELLS, Master.
His Honor the Judge was pleased to adjudge the further proof produced in

support of the claim to the ship to be sufficient, and accordingly decreed restitution of the said ship, her tackle, apparel, and furniture, or the nett proceeds thereof to the claimants for the use of the owners and proprietors thereof, but pronounced the documents exhibited in further proof, with regard to the cargo to be insufficient, and directed still further proof to be made respecting the same within three months.

JUNO, PACKARD, Master.
The time granted by the Court for the exhibition of still further proof having expired on the first instant, and the same not having been produced; Vincent Mathews, Esquire, as Counsel for the captors, moved for condemnation of the ship and cargo; John Armstrong, Esq. Claimant's Counsel produced the petition of Andrew Seton, merchant, Agent for the claimants, with attestation annexed of the said A. Seton reciting extracts from letters lately received by him as well from the master, as from the owners of the ship and cargo, informing of their using every endeavor to obtain the still further proof required by the Court—having read which, the Counsel in support of the said petition moved that the time granted to his party for producing the same, be extended to the expiration of another month.

His Honor the Judge having heard the objections on the opposite side, was pleased to grant the prayer of the petition.

SAMPSON, PHILIPPEN, Master.
William Wyly, Esquire, Claimant's Counsel, produced still further proof with respect to the property of Messrs. Duval and Dabadie, which being admitted, and the merits thereof argued, his Honor assigned for sentence next Court Day.

LA PERLA, Master.
A Spanish *f. lucca privateer*, the *Monition* being returned by the Marshal, his Honor was pleased to condemn the said ship, her guns, tackle, and apparel, as lawful prize to the private ship of war *Alexandrine*, John McKie, commander.

Bri'getown, (Barbadoes) April 29.
There appears strong suspicion that the enemy is forming some project at Guadaloupe to attack some of our islands. Accounts from thence mention—that great numbers of troops (miserable vagabonds) are collecting in and about Basseterre, and an extensive depot of ammunition and provisions made, both there and at Point Petre. It is thought by some that it is for the purpose of co-operating with Victor Huges in an attack upon Surinam, which, it is said, he meditates from Cayenne; but the most probable intention of those demonstrations is a design upon some more contiguous object.

Important.—Letters dated Liverpool, April 26th, to a respectable mercantile house in this city, state that *Denmark will remain neutral*; and that at that time, there was no appearance of any thing which could interrupt the good understanding then subsisting between Denmark & G. Brit. In consequence the article from the BALTIMORE TELEGRAPH, published in our last, stating the ports at Holstein were shut against England, is without foundation. A. Y. Jap.

At the very moment when the British cruisers are blockading our ports, pillaging our unarmed merchantmen, impressing and murthering our seamen, we are told that the "British ministry are extremely anxious to preserve harmony between the two nations." N. Y. D. Adv.

New-York, June 17.
Ship Diana, Holmes, (of Wilcalfett, in 57 days from Bremen. May 1, in lat. 52, 22, spoke ship Washington, 8 days from Amsterdum, for Newburyport, and kept company 7 days. May 24, in lat. 44, 27, spoke ship Alert from Amsterdum for Bolton; the captain informed that the *Weler* was blockaded. June 8, spoke a brig 6 days from Bermuda for Quebec. June 15, spoke a fch'r from Boston, for Baltimore. Left at Bremen, ship *Joseph & Phæbe*, for Baltimore in a few days; and the brig *Barker*, from Bolton, in do.
Brig William, Warner, in 38 days Liverpool. Left ship Indian Hunter, Johnson, for New-York, in 3 days; brig Phæbe, for do. in 10 days; ship Philadelphia, for Philadelphia, in do; ship Tippo Saib, failed six hours before for Savannah; the ship Golden Rule, Boyd, failed 2 weeks before for New-York.—The ship Washington, of Charleston, was to fail in 2 days for Africa—Flour and grain in great demand.

Brig Jolly, Richmond, (of Boston) noticed yesterday, in 25 days from New-Orleans, and 22 from the Balise.
Brig Rajah, Smith, 12 days from Havana.
Brig Maffalotti, Freeman, of Boston, 73 days from Barcelona, and 7 from Bolton, with wine.

CAME UP FROM QUARANTINE,
The British ship *Chichester*, of 50 guns, came to anchor off Fort Jay, where she fired a salute of 15 guns which was returned by the fort.

Sale by Auction.
THIS DAY,
The 20th inst. at 4 o'clock in the afternoon, will be sold at the premises, on terms which will then be made known,
A handsome new two story brick HOUSE, completely finished, fronting on the west side of Eutaw street, a little below Lombard street, and adjoining the house occupied by Mrs. Dorsey. The lot is in fee simple, fronting 30 feet on Eutaw street, and extending back 90 feet, with the convenience of a six-foot alley.
THOMAS CHASE, Auctioneer.

Sale by Auction.
On 5, 6, 9 and 12 months credit.
Will be offered at the premises, on Friday afternoon, the 20th inst. immediately after the property advertised by Mr. Jeremiah Hoffman,
A two story brick HOUSE, No. 100, on Hanover street, adjoining the property of William Patterson, Esq. and Mrs. Weitzer. The lot fronts 20 feet, and extends back 104, subject to an annual rent of 40 shillings.
THOMAS CHASE, Auctioneer.

A FEW HUNDRED
12 inch Marble slabs,
For sale, apply to
WM. BURKE,
At Messrs. W. L. & J. Barney's.
June 20

Molasses.
30 hds. just received per Deagle's packet, for sale by
JOHN RANDALL,
95, Bowly's wharf.
Also,
10 quarter casks LISBON WINE.
July 20

Horses for Sale.
A NUMBER of valuable HORSES fit for the saddle, carriage or dray, just arrived from Wheeling, are offered for sale at the black horse tavern, head of Market street. They will be sold reasonable if immediate application is made.
June 20

For sale, freight or charter,
The Schooner
ROSANNA,
Burthen 900 barrels, lying at Jackson's wharf, Fell's Point—
Enquire of
LEVIN JONES,
Who has for sale,
166 hds. of Muscovado SUGAR.
June 20

For freight or charter,
To any port in the West Indies, to windward of Porto-Rico,
The Schooner
CAROLINE,
Burthen about 650 hds. with excellent accommodations for passengers. Apply to
CHARLES WIRGMAN,
55, South Gay street.
June 20

For New-York,
The Schooner
DOROTHY,
J. Rowley, master,
A regular packet, will positively sail by the 1st of July, wind and weather permitting, for freight or passage, having excellent accommodations, apply to Jos. Smith, Harbor Master, Benj. D. Galpin, 61, Smith's wharf, or the master on board at said wharf.
Received by said schooner and for sale as above,
50 barrels BEEF
30 gross PORTER BOTTLES.
July 20

For New-York,
The Schooner
ENTERPRISE,
Edward Crowell, master,
A regular trader, with fine accommodations for passengers; will positively sail on Wednesday, the 25th instant. For freight or passage, apply to the master on board at O'Donnell's wharf, or to
ISAIAH MANKIN,
Who has for Sale,
Jamaica Rum, 4th proof, entitled to drawback
Cogniac Brandy
Holland Gin
Imperial and Young H. son Tea
Maryland and James River Tobacco
Coddish, Glauber Salts
Threads and Patillas, entitled to debenture
Cotton Cambrics, &c. &c.
June 20

Notice is hereby given,
THAT by virtue of an order from the Orphans' Court of Cecil County, will be exposed to public sale on the 10th day of July next, at the tavern house of Daniel Richards, late of Elkton, deceased, all the personal property of the said deceased, consisting of four sets of stages and horses, on a credit of twelve months, with interest thereon—with a variety of Household and Kitchen FURNITURE, on a credit of six months. At the same time, will be offered for sale three HOUSES and LOTS, situated in the town of Elkton, and on the main street thereof; on one of the lots is an excellent two story brick house, on the other is a frame dwelling house and store house, and on the third is a two story frame dwelling house, all in good repair, and possession will be given the 15th March next.
The purchasers of the houses and lots to be entitled to a credit of four years, on giving bond with approved securities, and paying interest from the day of sale.
JOHN RICHARDSON, Executor.
Elkton, June 19 (20)

Baltimore General Dispensary.
ACCORDING to the second fundamental rule, managers are to be chosen on Friday, the 20th inst. and attending physicians on the 27th. The election of the former will be held at Mr. James Bryden's, at 5 o'clock, P. M. The hour and place of holding the latter, will be duly notified. A subscription of 5 dollars, previously paid within the preceding 12 months, is necessary to entitle a person to vote for managers and physicians. Persons disposed to contribute to the institution, are requested to forward their subscriptions to the treasurer, Mr. Philip E. Thomas; No. 106, Baltimore street.

By order of the Board,
ANDREW ELLICOTT, Jun. Sec'y.
June 20

A QUANTITY OF
GREEN COFFEE,
In bags, calculated for retailers. For Sale
by
JOHN S. HORNE.
June 17

Sale by Auction.
IN virtue of a deed of trust, dated on the 10th October, 1865, from Peter Dally, to the subscriber, will be sold on the premises, at a credit of 60 days, by Thomas Chase, at public auction, on Friday, the 20th inst. at 5 o'clock in the evening. The said Dally's undivided fifth part, or interest in that large lot of Ground the corner of Hager and Barr streets.
JEREMIAH HOFFMAN.
June 4

TURTLE SOUP,
WILL be served up from the hour of 11 o'clock—THIS DAY, at
ENOCH BAYLEY'S,
Opposite Lower Marsh Market.
June 20

Columbia Garden
WILL OPEN BY PERMISSION,
On Monday Evening next, the 23d instant, With a grand Concert of Vocal and Instrumental Music, Views, Transparencies, &c.
Feat. of Agility, &c.
Mr. Leaman most respectfully acquaints the citizens of Baltimore that an arrangement of entertainment is made calculated for summer amusement.
Ballet Dances under the direction of Mr. Durang, Orchestra under the direction of Mr. Hupf, principal violin; Mr. Wolf, principal clarinet.
To commence with a discourse, song, and dance, called
Shelty's Travels;

In which Mr. Durang will give the descriptive song called a Dish of All Sorts, or Every Man to his own Tavern, ending with a dance by Mr. Durang and his pupils.
Symphony, Marches, and a selection of the popular Airs performed by the band, chequered by variable pieces on the stage department.
Surprising feat of Tumbling on the Slack Rope by Mr. Durang.
After which a number of dances, to be enumerated in the next publication, the whole will conclude with the comic story and song, called
Yeekly Snip's Difalter;

Or, the Day Laming the Tailors.
Allemand Waltz, Gay Mi. Mulen and Mr. Durang.
Doors open at half of 6, concert commences half past 7, and conclude precisely at 10 o'clock.
Box half a dollar, pit one quarter.
Tickets to be had at the office in front of the house.
June 20

NOTICE.
THE Commissioners for establishing the Mechanics' bank of Baltimore, having taken into consideration the inconvenience that will result from delaying the election of Directors, so long after the day of Subscription, have therefore, resolved unanimously, that the said election shall take place on Monday, the fourteenth day of July next, instead of the 25th day of August, which alteration will appear in the third article of the constitution.
July 20



Anderson & Jefferis,
66, Market street,
HAVE received, per the *Fane*, from Liverpool, an additional supply of
Canes and Spectacles,
Also, a handsome assortment of
POWDER FLASKS, SHOT BELTS,
PLATED SPURS, and a variety of fine CUTLERY.
June 10.

Note Lost or Mislaid.
A NOTE OF HAND for two hundred and ninety nine dollars and eighty six cents, drawn in favour of Messrs. Ramer and Wilmont, dated May 15, 1866. This is to caution all persons from receiving the said note, as we are determined not to pay the same.
GALLAGHER & KENNEDY.
N. B. Said note waabile in 60 days.
June 16.

The following goods,
ENTITLED to drawback, are offered for sale, by the package on very reasonable terms for notes
4 bales superfine blue and black Cloths
3 do. low priced do assorted colours
2 do. Casimeres
Coatings, Plains and white Flannels by the bale
4 cases Grandurells and cotton Cassimeres
1 do. fine worsted Plush
4 do. Dimities
10 do. Constitution Corals, Velvets, Thicksets, &c. &c.
9 pipes well flavoured real cogniac Brandy White and Red Claret in casks and cases
10 puncheons Rum
Apply to
LUKE TIERNAN & Co.
June 13

Miss A. B. Deaver,
MILLINER,
HAS removed from No. 145 to No. 203 1-2, Baltimore street, the store lately occupied by Mrs. Duncan, Milliner; it being next door above the Hardware store, of Messrs. Hancock and Norris, where she continues to carry on her business in its various branches, both plain and fashionable. She returns thanks to her friends and the public, for the numerous favors conferred upon her in the line of her profession; and respectfully informs them that she has on hand and intends constantly to keep a large and general assortment of
MILLINERY GOODS.
She also keeps an assortment of Fancy articles, in the *Maftus-Making* line; which business she intends carrying on.
Country merchants and others supplied with Leghorn, Split, Straw and other BONNETS, &c. on the most accommodating terms.
June 18

For Sale,
A NEGRO GIRL, about 18 years old, who has 11 years to serve. For particulars apply to the printer.
June 17