

...ing, in that mode, but respective testimonies.

"We have the honor to be, With the greatest respect, Your most obt. servts. JAMES MADISON, H. DEARBORN, R. SMITH."

"City of Washington, 8th Feb'y, 1805" Having read this letter, couched in the most respectful terms, and in which the gentlemen tender their testimony by commission, Judge Patterson said, with an energy that we had not expected in his debilitated state, that from the affidavit of the defendant on the files of the court, it did not appear to him that the testimony of Mr. Madison was material.

A desultory conversation ensued as to the precedency of the two motions for the morrow. Judge Patterson said he would not fetter the counsel by forms. Adjourned to Tuesday morning at 10.

Tuesday morning—The defendant's counsel produced a special affidavit. It had, however, in our opinion, but a remote, if any relation to the decision of the court the preceding day, namely, that the offence of the defendant, if any, being committed in the city of New York when Mr. Madison was at Washington, this gentleman could not be considered by the court as a material witness, unless it were shown, by special matter, that, in plain language, he had heard what he did not hear, and had seen what he did not see.

The special affidavit, which was read by Mr. Colten, set forth that the defendant hoped and expected to prove, by the testimony of Mr. Madison, Mr. Smith, Mr. W. G. and Mr. Thornton, that if the defendant had embarked in the expedition of the Leander, that expedition was begun, prepared, and set on foot with the knowledge and approbation of the President and the Secretary of State.

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Mr. Colten followed up the reading of the affidavit with a speech of considerable length and zeal, and embracing a variety of points and precedents, but it appeared to me to be a recitation from the question before the court. There is an obvious and wide distinction between—whether any man in the United States be above the law, which was not made a point or whether, which was the true, and only point, Mr. Madison be a material witness.

Mr. Colten followed by Mr. Hoffman on the same side. This gentleman gave us a brilliant specimen of his great talents. He was ingenious, and he had need to be so, for where weakness of materials is not in some sort compensated by dexterity of argument, it requires all the patience of stupidity to bear with the advocate. He was, however, only ingenious; I thought him not solid, and this, as he had nothing substantial to stand upon, is saying nothing in disparagement of his abilities.

The foundation of Mr. Hoffman's argument was laid in possibilities; not in what is but what may be. If, he said, he could show a possible case in which the testimony of Mr. Madison could be material, the court would not withhold the attachment. The testimony of Mr. Madison, he said, might be, although he did not affirm that it was material; but in his conscience he believed it to be so.

After Judge Patterson had retired, Mr. Morton for the defendant rose and on the ground of an affidavit by Mr. Smith, which was read by the clerk moved a postponement of the trial until September next, or until the next regular term of the court. The affidavit stated that the commander and the supercargo of the Leander are material witnesses in favor of the defendant; that they are now abroad, but are expected to return by the first time mentioned.

inflicting farther punishment on the aggressing power. Mr. Hoffman thought of Hannibal at Rome, and Scipio at Carthage.—A politician would not credit the President for so much military knowledge, skill and intrepidity.

Our territory was then invaded, and our rights infringed, and without a declaration of war by Congress, it was the duty of the President, said Mr. Hoffman, to chastise the invaders; such was our situation—Let us now glance at the case of the defendant. It is notorious, said Mr. Hoffman, that Congress was debating with closed doors, and if debating in unison with the feelings of America, upon a declaration of war.—If war was to be declared, and as the doors of Congress were closed, no one could tell but it was the business of the executive to anticipate and provide for it.

At this juncture the enterprise of the Leander was planned, and Miranda consulted Mr. Madison respecting it. Mr. Madison then knew of it and approved of it, and so, said Mr. Hoffman, did the President.

From these premises Mr. Hoffman concluded that the testimony of Mr. Madison was material, for that in fact a knowledge and approbation of the enterprise, by the President, was authority to the defendant to engage in it. Every one will see how fallacious this hypothetical reasoning is when applied to the case of his client. It was presuming upon a state of things that did not exist, and upon authority given by the President which neither was nor could be given, but which if the state of things had existed, and the authority could be, and had been given, would have justified the defendant; nay, he would not, under these circumstances, have been brought to the bar of his country to answer for an act calculated to embroil it with a foreign power.

It is understood that Mr. Lloyd, the Stenographer, who attends the Court, will publish in a book form a report of the trial.

NEW-YORK, July 17. The Circuit Court opened yesterday morning at the usual hour; and the jury and witnesses were called and discharged until the same hour this morning. After a few observations from Mr. Colten, Mr. Edwards finished the argument which he commenced yesterday.

The British Packet Princess Mary, captain Pascock, arrived last evening in 25 days from Falmouth via Halifax, with the June mail—Our London papers by her are to the 7th of June. LONDON, June 4. The Gazette of last night contains a notification, that the blockade of the Trade is ordered to be discontinued—a necessary consequence of the orders previously issued for securing the uninterrupted navigation of the British.

PORTSMOUTH, June 5. The gale of yesterday subsided. But to the astonishment of every one, Sir John Warren has persevered in beating down channel; indeed with such fine ships and good officers every thing that human efforts can effect may be expected of them.

NEW-YORK, July 18. The circuit court, having met yesterday morning pursuant to adjournment, the honorable judge Patterson pronounced the opinion of the court on the motion, the discussion of which has employed the court the last two days. The course, which the discussion of the motion has taken, embraced two particulars, the first, a postponement of the trial of Wm S. Smith—and the second, the granting an attachment or compulsory process, against Mr. Madison and other absent witnesses.

On the first question, the court was unanimous that the trial ought not to be postponed. On the 2nd, the court disagreed—one of the Judges being of opinion that an attachment ought not now to be granted, but that a rule to shew cause why an attachment should not issue, ought to be granted; the other being of the opinion that neither an attachment nor a rule to shew cause should be granted.

Judge Patterson, having delivered the opinion and detailed, in an impressive manner, the arguments & authorities on which this opinion was grounded, excuse himself from attending the court until his exhausted strength should be recruited. After Judge Patterson had retired, Mr. Morton for the defendant rose and on the ground of an affidavit by Mr. Smith, which was read by the clerk moved a postponement of the trial until September next, or until the next regular term of the court.

The council for the defendant then moved postponement until the morrow, the district attorney consented, and the court adjourned.

Capt. Doughday, in 10 days from Savannah, mentioned yesterday, met the Canton from New-York, going into Savannah. The ship Sarah and Eliza, Holland, of New-York, had arrived from Liverpool. Off the bar, the Spanish felucca La Elena Union fired several volleys

at the Sarah and Eliza, and threatened to sink her, but after sailing, round her, the privateer sheered off Savannah papers to the 6th instant, contain nothing new.

American AND COMMERCIAL DAILY ADVERTISER MONDAY, JULY 21, 1806

A letter received by a respectable gentleman of this city, from his friend in London, states, "between this country and the U. S. it is understood that every thing is far advanced in an amicable adjustment."

Baltimore vessels spoken—May 23, off Cadiz, brig Louisa Whedden, Kelly, for Leghorn, 38 days out. July 2, in lat. 41, 26, long. 53, brig Sophia, bound to Amsterdram, 10 days out.

Leaf—At Antigua, discharging, brig Seaflower, and At the Isle of Wight, ship —, [supposed Louisiana] Norris.

We have received, by Capt. Ferguson's packet, Norfolk papers to the 18th, but they afford nothing new.

Captain Sheldon, arrived at Providence, from Cadiz, informs, that he left ten Spanish ships of the line in Cadiz Bay, ready for sea, and that Lord Collingwood, was blockading them, with 17 ships of the line.

About 8 o'clock, last evening, a FIRE broke out in Shakespeare, near Bond street, in the house occupied by Mr. Aquila Johns, of which he was the proprietor. The principal part of the building was of brick—connected with it, at one end the second story was frame, in which the fire was first discovered, bursting from the roof near the chimney.

Arrived at Boston the brig Lydia, Capt. Richmond, in the short passage of 31 days from Antwerp. Capt. R. informs, that the blockade of the Dutch and French ports agreeably to Order of Council, was very strictly enforced—that all neutral vessels attempting to enter the ports of Antwerp, and its neighborhood, were stopped, their papers endorsed, and the vessels ordered away Capt. R. further adds, that the British continue to capture and send in all Prussian vessels or property they fall in with; and that he did not learn of any measure having taken place, which tended to produce a speedy accommodation of the differences between Prussia and England.

A Petersburg, (Vir) paper of the 11th instant states, that the prospects of the ensuing harvest of corn, were never more flattering, and that its appearance continues, the present year's crop will, if possible, exceed that of the last—indeed the season has been uncommonly favorable for the production of every species of grain—the wheat harvest has been very abundant, and with respect to the quantity of tobacco (about which so many b's have been made) it is not doubted but it will be nearly to what has been produced for the last two or three years.

It is worthy of remark, that the passengers who arrived here in the ship Justin, capt Gardner, from Newry, had among them, upwards of 22,000 guineas.

We have seen a letter from Trinidad, dated on the 19th of June, received by a respectable commercial house in this city by way of Baltimore, which contains the following article: "Miranda's business occupies the general attention at this place; he is expected here on Saturday or Sunday. Great preparations are now making to receive him in a manner suited to his rank. Nine Spaniards, who it is said: came here for the purpose of assassinating him, have been apprehended, and are lodged in prison. General Hyslop, we are assured has made an offer of his best services and two thousand volunteers to assist this illustrious character in attaining the object of his expedition."

Extract of a letter from a gentleman in London, to his friend in New-York, dated May 17, 1806. "I congratulate you and every friend to humanity, that the abolition of the foreign slave trade took place last night, in the Legislature of this country, by which 25,000 unhappy people will be annually saved from slavery, on the coast of Africa. May your Legislature imitate the example, and may Britain and her children be recorded as the first, who have had the honour of annihilating this inhuman traffic. It is expected that the remaining branch of it will be done away the ensuing session."

Departed this life, on the 16th inst. in the 31st year of her age, at her father's in this city, Mrs. JANET CLAGGET, the amiable consort of Mr. Benjamin Clagget, of Hagers-Town, after a long and painful illness, which she bore with christian fortitude. Of Mrs. Clagget it may be truly said she was an affectionate wife, a tender mother, and a dutiful daughter & a sincere friend. In the death of this truly amiable woman a fond husband, three amiable little daughters, and an aged father and mother have met with an irreparable loss, society with a valuable member, and the lover of christianity a warm supporter.

From the Merchants' Coffee-House Books. July 20.

By the schooner Luke, Barns, from North Carolina we learn, that the ship Margaret, Gardner, from Lagaira, bound to Philadelphia, was driven on the Swash 17th inst. going up to Newbern to repair and was entirely lost—she had previously discharged her cargo in Oericoke, some of which was but on board a brig that sailed on Tuesday last for Philadelphia.

The schr. Amphion, Ginzach, hence arrived at Leghorn 16th May, in 30 days passage.

A Young Man WHO writes a good hand, and can bring satisfactory recommendations, can be informed of a situation in a grocery and retail wet goods store, by applying at this office. July 21 d4t

NOTICE. CHARLES MARR and JOHN GIBSON having this day formed a co-partnership; the business heretofore conducted by said Marr will in future, be continued under the firm of MARR & GIBSON, at the old stand, No. 7, Calvert-street. July 7 (21) d6t-eo3t

NOTICE. WHEREAS I delivered cloth, &c. for making clothes, into the hands of a certain William Ridgeway, about a month since; and inasmuch as said Ridgeway has decamped or left his old quarters, and it is believed the city, without giving me satisfaction therefor—this is intended to point out the conduct of the man, and at the same time to request such information of him as will enable me to recover my property. JOHN COLE, Pilot of the Port of Baltimore. July 21 d4t

NOTICE. THE partnership heretofore existing under the firm of TUCKER & JINES, sail-makers, is this day dissolved by mutual consent. All persons to whom said firm stands indebted will please present their accounts for settlement, and those who are indebted will make speedy payment to Benjamin Tucker—who still continues to carry on the business as usual, at the same stand, No. 3, Smith's wharf. TUCKER & JINES. July 21 d4t

For Sale, Wax Candles in cases, Refined Brimstone in ditto, Juniper Berries, Currants and Dates in barrels, Turkey Raisins in cases and drums, Sultana Raisins in Drums, Cinnamon and prepared Mercuries, Sena and Mannu, Gum, Tragacanth and Asphaltum, Cantarides, Opium, Coriandals in cases, Checks in pieces and half pieces, Greas in half pieces, Platillas, Cavallinas, Oil-dunnas, Bastonenci, Table Linen, White Soap in cases } Of excellent Blue marbled do. in do. } quality. Imported in the brig Happy Couple, John Waller, master, from Trieste. Apply to JOHN S. HORNE, No. 2, O'Donnell's wharf. Who will also sell the said B R I G. If immediately applied for; she is coppered to the keel, and copper-fastened; sails fast and is well found. AND About 90,000 lb. St. Domingo COFFEE, of very good quality. July 21 eo5t

Public Sale. By virtue of an order of the Orphans' Court of Baltimore c wty, will be exposed at Public Sale, on Monday, the 28th instant, on the premises, A TWO STORY BRICK HOUSE, LOT and GARDEN, in Harrison-street, near to Griffith's bridge, late residence and property of John Ross, deceased. Also, immediately after the sale of the above, will be sold, All the GOODS and CHATTELS of the said deceased—Sale to commence at 4 o'clock in the afternoon. JOHN GROSS, Adm'r. Terms will be made known at the time and place of sale. July 21 d4t

Liste des Lettres Francaise a la Poste de Baltimore. B Mons. F. Bottieu Jos. Boon Boissaubin Brunelot C Roger Champagne J. L. Camacho 2 Andre Condolle 2 Coehon Edwd. Comie Cazebu Mad. Colthe Mons. P. L. Chazotte D Pierre Decus Duboc Pageot Diamoulieres David Dulon Mlle Deluz E Mons. Amand Espanes Nicholas Everson Bertrand Fleury G Mons. Geoffroy Jof. Guertin H Hocho Mlle Haran J Jean Jonckhere Lulere LeMaske Legondre Deze F. Laroguc Mlle Ninon Lafite M Grissiere Mentalibor Mons. Julius de Menou N. Mad. M. Nicold, O Mad. Ottignon Mlle Piquet Mons. Pontier Potjoud Mons. Amad Espanes James Pollet Mlle Louise Priquet R Mad. Rousseau Legon-traic Roux V Mons. Veslaud

To Let, A new convenient two story BRICK HOUSE, completely finished and painted, on the western side of Eutaw-street, opposite Mr. Christopher Johnson's dwelling house. The terms will be made accommodating to a good tenant. Enquire of Mr. Henry Stuffer, merchant, in Howard-street, or of the subscriber. H. DIEMER. June 21 q. 211

Sale by Auction.

TO-MORROW MORNING, The 22d instant, at 10 o'clock, at our auction room, at the head of Frederick-street Dock, will commence the sale of A Variety of DRY GOODS; AMONG WHICH ARE, 3 trunks Hardware, consisting of Knives, Scissors, &c. Also a quantity of the under writers, with which the auctioneer is provided, 3 cases of M. & C. 2 do. fine Bretagnes, 4 do. fine White Rolls. And at 12 o'clock, 35 hhd. Muscovado Sugar, 15 tierces do. do 10 hhd. Martinique Mollasses, 12 hhd. West India Rum, 14 do. Jamaica Spiritus, 3 cases Manilla Indigo, 7 kegs Mustard, and 200 bags Coffee. VAN WYCK & DORSEY, Auctioneers. July 21

Sale by Auction. ON WEDNESDAY NEXT, The 23d instant, at 11 o'clock, at Mr. Price's wharf, Fell's Point, will be sold on terms that will then be made known, The Stock G. E. O. G. E. As she arrived from sea; buried a then about 1000 barrels. And immediately after, on the above wharf, 8 tons Fustic, and 21 logs prime St. Domingo Mahogony, in lots. VAN WYCK & DORSEY, Auctioneers. July 21

Sale by Auction. WITHOUT RESERVE. THE trustees of John Graham desirous of closing the sales of the property conveyed to them for the use of his creditors, and having obtained a good title for the same, and peaceable possession thereof, will sell on MONDAY the 21st instant, at 12 o'clock, in the forenoon, on the premises, to the highest bidder, without reserve, on 6, 9, and 12 months credit—the two story BRICK HOUSE on the Public alley, in which Mr. John Graham lately lived, with a back Building, extending to Dock alley, The Lot fronts 16 1/2 feet on Public alley and 20 feet 3 inches on Dock alley; is distinguished on a plat thereof, by No. 1, and subject to an annual ground rent of twenty dollars. VAN WYCK & DORSEY, Auctioneers. July 12 d3eo3t

Sale by Auction. This Day, The 21st instant, at four o'clock in the afternoon, the subscriber offers at Public Sale, A roomy and convenient two story FRAME HOUSE and LOT, with two front's, with a brick kitchen, smoke-house, and stable. The house has a paved yard before the door, convenient for children. This property is situated in Wagon alley, between Howard-street and the New Market—suitable for a private family, and convenient to the stores and markets. The terms of sale will be made known at the time and place of sale. Also, at Private Sale, The subscriber will sell some valuable LOTS of GROUND, from one to twenty acres, as may suit the purchasers. It is situated on the York Turnpike Road, about two miles from this city. There are some very handsome wood lots adjoining the cleared land. If desired, purchasers can have part of both; the soil is good and the situations are high and healthy, and will furnish handsome seats for country retreats. Any person desiring to buy will please to call on the subscriber, living in the above mentioned house. JOB MERRIMAN.

Columbia Garden.

[BY PERMISSION] On MONDAY EVENING, July 21, The Garden will open with a Grand Concert of Vocal and Instrumental Music, With Recitations, Songs, Dances and feats of agility. To commence with a humorous piece in Dialogue, called The Old Maid; DIE ALTE JUNGFER. The old Bachelor; the Spoil Boy; Thomas Cook; Tag, with a song called Shakepeare's seven ages. A HORNPIPE by Master F. Durang. Song by Mr. Durang, called the LITTLE FARTHING RUSH-LIGHT. Recitation of Jacob Gawkley's Ramble to Baltimore. To which is added the much admired song, called The Yorkshire Irishman; Or, The Adventures of a Potatoe Merchant. By Master F. Durang. The evening's entertainment to conclude with a Mechanical, Ingenious and Splendid Representation of The Battle of the Nile. With the town and fortifications of Rosetta, in a perspective view in the background; the sea in motion in front. To which is added the triumphant entry of Neptune and Amphitrite, in their Car and Sea Horses, following by a numerous train of Nymphs and Tritons. Doors open at half after 6, concert commences half past 7, and concludes precisely at 10 o'clock. Box half a dollar, pit one quarter. Tickets to be had at the office in front of the house. July 19

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Fifty Dollars Reward. STRAYED or stolen, on Saturday the 21st ult. from the pasture adjoining Canton, a dark chestnut sorrel HORSE, about fifteen and an half hands high, a black streak along his back, his mane cut short, commonly called hogged, a bobbed tail, a small star in his forehead and snip, six years old last spring, a natural trotter, very fat, and in excellent order. If strayed, he is probably gone to Cumberland county, Pennsylvania, as he was purchased from a gentleman who brought him from thence about 5 weeks ago. A reward of fifty dollars will be given for the horse and thief, if stolen, on production of the thief to the owner, or ten dollars for the horse alone, on application to NICHOLAS STRICK, No. 16, Pratt-street, near the Tobacco Inspection House. July 8 d4t