American,

Commercial Daily Advertiser

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7UESDAY, JULY 22, 1806

-REMOVAL-

LEVIN P. BARNES, TIAS Memored his shop from No 9, to No. II 48, South street, where he continues car Fring on the Tailoring Business in its various branches, with neatness and dispatch. He also refurns his most sincere thanks to his former scientis and customers, and the public in gene fal for past favors, and is in hypes that through -a strict attention to business, to merit a further - continuance of the same.

N. B. Two cr three good boys will be taken : as apprentices to the above business if immediate application is made. July 17 d6t-eo2w

Fur Sale, 40 barrels WHISKEY, 15 casks : OCOU, (or Annato) 10,000 lies Green St. Domingo COFFEE, entet tled to drawback. Apply to

JOHN BROWN, At Wm. & Hugh-Neilson's, O'Donnell's wharf July 15 . .

Partnership Dissolved.

THE parin-raisip heretofore existing under the firm of John Boyle and Brothers, is by mutu al' racut, this day dissolved. Any personshard it claims against the said firmer request. ed to call on John or Thomas Boyle for tpayment, and all those who are indebted, to sai m will please to come forward and settle up heir accounts.

JOHN BOYLE. JOSEPH BOYLE, THOS. BOYLE,

The business in future wil be carryed on under the firm of John and Thos Boyle, who have on band a very extensive as ortment of all kinds of LEATHER, SPANISH HIDES, a few hundred bushels of HAIR, fit for p'aister, and likewise a quantity of Sheep's WOOL. JOHN & THOS. BOYLE.

Geo. C. Muller,

Two doors below the Custom- Huse, HAS received prahip Sally, from Hamburg, and on hand of former importations, botes GERMAN LINENS, consisting of 1400 pieces fine Platilles Royal.

2000 do. 64 and 7.4 Bretag 200 do. Renatis,

160 do Cres.

300 do. Dowlas, 200 do. Carserilles,

500 do. Estepillas, 1'0 tla. Listados,

90 da. Bed-ticking, 60 do. White Flaxen.

14 boxes half pint Tumblers,

Sweetlish Barr Iron, &c. Which he offers for sale on accommodating terms

July 19

Notice.

TATHEREAS I delivered clothacc. for making cirches, into the hands of a certain William Ri 'geway, alout a mouth since; and inismuch as said Ridgenay less decamped or less his old quarters, and it is belived the city. intended to point out the conduct of the man, and at the same time to request such informa tion of hish as will enable my to recover my property. JOHN COLE,

Pilot of the Port of Ba timore. July 21

Notice.

HE partnership heretofore existing under the firm of TUCKER & JINES, sail-makers, is this day dissolved in mutual consent. All persons to whom said firm stands indebted will please present their accounts for settlesecort. and those who are indebted will make speedy payment to Benjamin Tucker-who still conti ues to carry on the bukiness as usual, at the same stand, No. 3, Smiti.'s wharf.

... July 21

Public Sale.

TUCKER & JINES.

By virtue of an order of the Orphans' Court of Baltimore county, will be exposed at Public Sale, on Monday, the 28th instant, on the pre-

TWO STORY BRICK HOUSE, LOT A and GARDEN, in Harrison-street, near to Griffith's bridge, late residence and property of John Ross, decgazed. Me, immediately ofter the sale of the above, will

be 40!d, All the GOODS And CHATTELS of the said deceased - Sale to commence at 4 o'clock

in the afternoon. JOHN CROSS, Adm'r. Terms will be made known at the time and

place of saley July 21 💤

A Young Man

177 HO strice a grini hand, and can bring sauswelling recommendations, can be infor meri of a silistion in a grocery and retail wet Brods ares his upplying arthis office. Title police in second a second

NoTICE.

THARLES MANHand JOHN GIBSON J. Tiay car this clay formed a on partnership.; the nusiness heretofore conducted by said Marr willin future, be continued under the firm of LA. MARH. E. GLESON, of the old stand, No. 7, Caheringtrut, The .c. rer-July 7-(21)

d61-e03t

Jacib & William Norris But just received for sale, of ores of Julian's Cluret, of vintage 1801,

La physipure Holland Gin, 120 Mide-1st quality St. Croix Sugar, mall caddies let chop Imporial tea, 12

1900 gallone Ist quality Cider Vinegar, 100 mos lump Bastard Sugar, suitable for From the Amerigan Citizen.

U. STATES vs. OGDEN.

(Gentifrued.) The District Attorney read an affidavit of his own, stating that the offence with which the defendant stood charged was committed in this city, and that the witnesses, against whom attachments were prayed, resided and were at Washington at the time.

desendant's counsel at great, length. He a state of things that did not exist, and contended that the testimony of the witnesses was not material in justification, and therefore not essential to the jury to forming its judgment. For allowing all that had been said of the President's knowledge and approbation of the enterprise, which was but assertion, still that knowledge and ap- ground. Mr. Harrison, who spoke aprobation did not amount to authority or direction to the désendant to do an uniau sul act. On the arguments of the desendant's big at 10. counsel respecting the state of our public affairs when the expedition was commenc ed, the District Attorney was clear, logical, and conclee. Congress had not declared offensive, nor had the President authorised or directed defensive war. As the government of the United States was at peace, none of its citizens had a right to be at war with Span.

With regard to attachments, the authorities which Le cited were numerous and uniforni. In England, attachments were issur! at the discresion of the court, and ever but to purge the witness of a con-

The arguments of the District Attorney were enforced and illustrated by Mr. Edwards in a discursive speech, in which he fully maintained his well-earned claim to eminence at the bar.-He was happy in his playful and sarcastic remarks on the arguments of the desendant's counsel, presumng authority which had not been givena state of war, which had not been commenced, and the lawfulness of en act which was clearly and alarmingly unlawful. Mr. Edware's began his speech at one, and closed at half after two in the afterneon, when the court adjourned till Wednesday morning at 10.

Wednesday morning Mr. Edwards was he.r! in continuation, and was succeeded by Mr. Emmett for the delendant.

Mr. Emmett commenced an elaborate and learned's, eech of two nours, in which he displayed vast powers of mind and profundity of research, by an impassioned and impress ve exordium. In this he apologised, as a stranger in the country, for undertaking the desence—but being engaged, he would exert his talents to the utmost, such as they were, in behalf of his client. He regretted that the action had been commenced, and wished it were in his power to estace it from the records of the court and the remembrance of the country. He had no doubt of convincing the court that his client had not offended against the laws, and, on the other hand, that the great and illustrious man who presides over our national affairs had, in approving the expedition, given additional evidence of the excellence of is character, and assurance of the correctness of his views. Neither, according to Mr. Emmett, had done wrong.

Mr. Emmett maintained with an earnestness that indicated sincerity, that the testimony of the witnesses was material; first, in justification, or secondly, in mitigation of punishment, and therefore that compulsory process ought to issue before the defendant he put to trial.

In respect to compulsory process in England, on which the counsel for the prosecution had discanted at large, it was issued at the discretion and to maintain the dignity of the courts, and not the rights of the subject; there, it was not a right which could be claimed but a privilege, which might be granted. He traced the doctrine of attachments in England to the reign of Elizabeth.

But in the United States, compulsory process was put on a different footing. Here, said Mr. Emmett, it was the right of the party accused; a right guaranteed to him. by the constitution, and which the court cannot with-hold-----He read article 8 of the amendments to the constitution, which says, that " in all criminal prosecutions the. accused shall have compulsory process for obtaining witnesses." This fundamental act was the paramount law, in which the right was secured to every citizen. Process must be issued: the accused takes it as he takes that which belongs to him. He wanted process, call it by whatever name, which would compel the witnesses into court. Any other could not be called com-

There is no arguing, either with credit non. I he constitution unfloubtely guarantees to the accused compulsory process, soch as is known to the laws, been issued by the court, and an apology tendered for failing to obey its injunctions, entirely satisfactory all things considered? Mr. Emmett scouted the idea of attachments on the principles of British jurisprudence, which he deemed to be at war with the part of the constitution which he had cited. When, however he was asked by the presiding judge whether, in obedience to the constitution, congress had by statute provided a specific remedy, he answered that in his reading he had not met with any. Failing then to bring the witnesses in by supcens, to what process could the court resort, if attachments, issued on the principles of the common law were to be excluded? Mr. Emmet did not designare uny. Perhaps chere is none known to the laws. Our statutes, as conceded by Mr. Emmett, are silent on the subject. The constitution which recognizes the principle for which he contended,

rexusts, but the laws have made no provision for carrying it into effect.

With regard to the materiolity of the witnesses, which, as the defendant's counsel wished to put off the trial was the main point, Mr. Emmett, with ampiifications, repeated the arguments of Mr. Hossman-Spain had commenced holdilities against us, and although Congrels had not declared war, yet by the Having read the affidavit, the District law of nations we were at war, though Attorney replied to the arguments of the technically at peace. He prefumed on argued as if they did. His conclusion was therefore unsupported by facts. Mr. 'Emmett was followed by Mr. Harrison on the same side, who without exciting the same interest, travelled over the same bout two hours, closed the argument.-The court adjourned to Thursday morn-

Thursday morning Judge Patterson delivered the opinion of the court in writing. The opinion which was given at great length, was perspicuous. Having assigned the reasons at large, he concluded with stating it as the unanimsus opinion of the court that, in justification, the telling of the witness was not material.. The laws were inflexible. Treatresident had not a dispensing powor, and therefore even a direction from him to the defendant to engage in the expedition, could not justify the act. was not material in mitigation, for testimony in mitigation was not for the ju-

ry. The trial mult therefore go on. With regard to compultory process, the court, he faid, was divided in opin and the other for it; at least for a rule to Il ow cause why the witness did not ar pear.

Having delivered the opinion of the court, Judge Patterion retired feemingy exhautted. He was much indisposed when the court was opened, and perhaps more when he retired from it. Judge Talimadge was now alone.

As the trial was to go on, the counsel for the defendant asked leave for a few moments confultation. It was granted, and they retired. In about ten min utes they returned, when Mr. Morton moved the court to put off the trial to its next regular term. The motion was made on an affidavit of the defendant, setting forth that Jonathan S. Smith, and I homas (capt.) Lewis, both on board the Leander, were material witnesses, and were expected here by September. The Judge decided against the account of a trivial engagement bemotion on the ground that if they were material witnelles it should have been fo stated in the first assidavit by which the trial was originally put off. There would be no end to these motions i yielded to. At the request of the defendant's counsel, the court adjourned to Friday morning.

Yesterday the trial commenced, but we thall fay nothing upon it until it is o-

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

From the Register of Saturday evening

Latest from Europe. The ship Philadelphia, captum Smith, arrived last evening at the Lazaretto from) Liverpool, which he left on the morning of the 15th of June. Our London papers by her are to the 11th, four days later than those heretofore received, via Boston and New-York. We have selected the most interesting articles for this day's Register.

LONDON, June 10.

Paris papers have arrived to the 1st, Dutch to the 5th, and a Hamburgh Correspondenten.

The French troops remain in Bavaria, and Suabia and Brannau has not yet been delivered up till the official account has been received of the furrender of Cattaro, who is not expected till the middle of this month. In the meen time Alexander. Berthier continues at Munich. General Andreossi, who was on his return to Paris, received orders, at Munich to measure back his steps to -Vienna, where M. Talleyrand's nephew The correspondence between the Auttrian and French Governments is extremely active. Anspach, which was to be transferred to Bavaria, continues in the hands of the French, and we shall not be surprised to find Bonaparte erecting it into a Principality, for a member of his illustrious House. Havmay have determined to station another the Austrian.

leph, that he, has found it necellary to disarm them with all possible speed!

Gaeta holds out, and is likely to hold out for a great length of time. The garrison are in no danger of wanting provision or supplies of any kind. Civitella del Fronto continues also, under an Irish efficer, to make as bold a resistance as timt of Gaeta.

The illands of Procidia and Ilchin, lying between Gaeta and the Bay of Naples, have it is stated, been attacked by a British squadron, without success. The island of Capri, at the entrance

of the Gulph of Naples, was also attacked on the night of the 11th ult. We trust the attack was successful. The Muniteur, of the 30th ult. contains a very long account of a very trivial engigemet between the French and Rufsians, in one of the islands (Leisina) in the Adriatic. The affair, we have no doubt, is much exaggerated. It is likey that the Russians, seeing the post where the enemy were entrenched too strong to be attacked, determined upon a retreat, and might have been harrassed a good deal in returning to their Rips. It is clear, however, from this intelligence, that no idea was entertained by the Russians, so late as the end of April, that they were about to evacuate Dalmatia.

The Rusehorle floop of war, with a fleet under convoy, for the Mediterranean, arrived at Cork the 14th Inst.

Lord Henry Petty last night propoted an auditional rate of 10 per centum on the amount of the present assessment under the all sted taxes, and a substiion; one of the Judges being against, tute for the intended tax on Private Brewing. To this no ferious objections were stated. He also mentioned, that it was his intention, in a committee this day, to propose, under the Assessed Taxes, a deduction of 41 for every child, in in cases where the utlessinents should be under 40%. This, he faid, would apply to incomes up to 1000/ a year, and sometling more: This was intended for the benefit of perfors having imail incomes and large families, and was allowed instead of exemtions under the Property tas.

We have received l'aris papers to the ist, Dutch to the 5th, and also some German papers of a late date. In our proceeding columns, we have given eveen every article in the foreign Journals that deserves notice. The contents are not of importance. The Moniteur of the 30th ult. contains a very long tween the French and Ruffians, in one of these islands (Leisina) in the Adriatic. The affair, even according, to the French representation of it, was not very disgraceful to the Russian arms, but we have no doubt that it is much exaggerated. Gaeta still holds out, and the fortress of Civitella del Fronto, which, the French told us, an Irish officer had the impudence to throw himself into, with a handful of men, continues to rival Gaeta in loyalty and courage, and its relissance has been hitherto crowned with like fuccels. The British iquadron are said to have made an unsuccessful attempt upon the islands of Procida and and Itchia, between Gayeta and the Bay of Naples. There is no confirmation of the actual furrender of Cattaro to the French. A letter from Ratisbon states, that no account of that event. was expected in that city before the 10th of this month.

We have received N. York papers to the 9th, and Bolton to the 13th ult.— The President of the U. States has published a proclamation, commanding all persons within the U. States to arrest Captain Whitby, of the Leander wherefoever he may be found, now or hereafter. The proclamation also requires the Leander, Cambrian and Driver, to depart from the harbors and waters of the U. States, and interdicts for ever the entrance of all other vessels which shall be commanded by Henry Whitby, Captain of the Leander, John Nairne, Captain of the Cambrian, and Slingtby Simpson Captain of the Driver. In case of the return of the above vessels, all intercourse with them is prohibitod; no supplies are to be furor success, against a constitutional provi- arrived with dispatches of the 20th ult. | nished them; and pilots are commanded not to assist in navigating them. The Prelident in issuing this filly proclamation, appears to have accommodated himfelf to the temprary mania of the revolutionary faction in N. York, and we. are concerned to find that some of the political agitations in this country have caught the infection. The Americans ing placed Prince Joachim as a kind of | in their late treaty with Tripoli, recogcentinal on the Prussian frontiers; he nise the right of visit and search and prescribe' the form in which it is to be of his relatives in a similar capacity on made. Our readers will therefore be surprised to learn, that all this Tenfeless The Dutch had formed hopes an am- clamour against England, has arisen out icable adjultment of the differences be- of a right granted to pirates, and robtween this country and Prussia, from bers, to chastile whom, the U. States the delay in the transfer of Anipach to | lately sent their little navy to the Medi-Bavaria, and in the delivery of English, terranean. The right to wifit and tearch letters of marque against Prussian ves- carries with it, of necessity, a right to enforce it, if relifted, and the unfortunate The Napolitans are so warmly attach. I death which has happened, appears to ed to their beloved monarch, king Jo. I have been the refule of the legal exer-

cife of this right, The death of the American sailor is certainly a subject of regret, but it surnishes no fair ground of complaint against the captain of the Leander, or the British govern-An order was received at the Custom-

house, in Harwich, on Thursday, to take out the crews of the Prussian ships detained there, the captains and masters excepted, and to fent them to Normancross as prisoners of war.

Seventeen-Prussian veilels have been fent into Yarmouth during the last

The report which has for the last two days been prevalent, that lord Howick had been prevailed upon to accept the governorgeneralship of India, was this day more confidently circulated. The talents of the noble lord, the general estimation in which h's character is held, and the independence of his situation, in point of property, render him not only eligible for such an impartant station, but amply qualify him to discharge it with honor to himself and his

Rist near the London Docks-On Sunday asternion a desperate affray took place between a number of Irish laborers and some American seamen (belonging to thips in the London Docks) in the Broadway adjoining the Docks.

On investigation, it appeared that the Irillimen were the aggressors: 23 out of the 40 brought up for examination were clearly indentified to have taken an active part in the affray; 15 of these were fully committed for trial, and 8 who had been less violent than the rest, were sent on board the tender.

· June 11. In consequence of the arrival of dispatches for government on Thursday last, by a flag of truce from Erince, and two cartels in the course of the week, with several persons of distinction, who were detained at the commencement of the war, the funds have experienced a rise of one per cent. Omnium, which was cone at 21 on Wednesday, was on Saturday contracted for at 31. Nothing whatever has trunspired respecting the nature of the dispatches received, nor is any thing likely to be known on the subject, as government very properly keeps the matter a secret, to prevent speculation in the funds, and in articles es merchandize. Cruizers are even kept for the purpose to meet the flags of truce at sea, as soon as they quit the French ports, to take out the disputches. This was the case with respect to the last; however, it argues favorable, that an intercourse continues open, and that an arrangement is completed relative to an exchange of prisoners.

HAMBURG, May 20.

Mr. Adair, the newly appointed British minister to the court of Vienna, kas passed through this city on his way to that capital. We learn that there are, nine Swedish vessels under an embargo at Swinenmunde; on the other hand, we hear that admiral Cederstrom has appeared off Dantzic, with 7 ships of the line. A Swedish frigate of 24 gune cruizes off Pillau; and several Swedreh gun-hoats, it is said, will be ready to sail from Malinoe in the course of a few days. Forty vessels have arrived, here from Tonningen within the last three weeks; & we have authentic intelligence that the navigation of the Walten is again unrestrained.

We hear that the Prussian troops in Lauenburg have received orders to hold themelves in:readiness to march.

AUGUSTA, (Mass.) July 11.

HORRID MURDER!!

AT in early hour on Wednesday morning last, the inhabitants of this town were alarmed with the dreadful information, that captain James Purinton, of this place, in cool blood, had murdered his wife, six children, and himself.. His oldest son, with a slight wound, escap d, and his second daughter was found desperately wounded, and probably supposed dead by the father. Between the hours of 2 and 3, a near neighbor, Mr. Dean Wy-. man, was awak ned by the lad who esca-. ped, with an incoherent account of the horrid scene from which he had just fled; her with a Mr. Bullard, another neighbor instantly repaired to the fatal spot, and here, after having lighted a candle, a scene was presented which begars all description In the outer room lay prostrate on his face, and weltering in his gore, the perpetrator of the dreadful deed, his throat cut in the most shocking manner, and the bloody razor lying at a table by his side. In an adjoining bed room lay Mrs. Purrinton in her bed, her head almost severed from her body; and near her on the floor, a little daughter about ten years old, who probably hearing the cries of her mother, ran to her relief from the apartment in which she slept, and was murdered by her side. In another apartment was found the two oldest and the youngest daughters, the first aged 19, dreadfully butchered; the second desperately wounded, reclining her head on the body of the dead infant, 18 months old, and in a state of horror and almost total insensibility. In the room with the father, lay in bed with their throuts cut, the two youngest sons, the one eight, the other six years old. And in another room was found, on the hearth, most dreadfully mangled, the second son, aged twelve's he had fullets with his frowsers under one arm, with which he had attempted to es-

capor. On the breast work over the are

place, was the distinct impression of a