Commercial Daily Advertiser

PRINTED AND PUBLISHA . AT JVILLIAM PECHIN, (PRINTER OF THE LAWS OF THE UNION.) 31, SOUTH GAY-STREET, REAR THE CUSTOM HOUSE, BALTIMORE.

FRIDAY: AUGUST 15, 1806 -

Baltimore Price-Current.			
Articles.	D WE	EKLY.	
BREAD, ship,	cut.	83	
pi'ot,		4 25 6 25	4 50 6.50
BEEF, northern mess, cargo, No. 1,	bbl.,	14	
BACON, No. 2;	lb.	12	•
-Corres, Batavia,		20	
Bourbon,			none
W.India best	1. —	31	SCATCE
COTTON, W.India Isla Louisiana,	nd —	20	none
Georgia, upla Sca-Island,	nd —	21	none
CHOCOLATE, CANDLES, Mould,	. —	20	30
dipt,	_	21 18	
CHEESE, American,		50 - 12	16
English, best	blt.	17 40	scarce 23
Holland, Ravens,		24 14 50	27
Russia Shee ing.	piece.	21	22
Fish, cod, dry, salnion,	gnt, bbl	4 50 14	5
herrings,		4 50 8	5 8 TO
shad,		.8	1
cleasend.	bush.	no de	mand
fine, (new)	bbl.	7 50	
middlings,	<u></u>	6 50 5 50	
GRAIN, Indian com.	bush.	• 55	
do. Marylan	ia, —	1 12 1 15	1 20 1 30
Rye, Barley,		70 80	1.75
Clover seed, Oats,	• -	F .	•
Hops,	lb.	30 10	
HOO'S LARD, LEATHER, sule,	_	19 18	02
Oak, timb. & scant.	00 ft.	2	
buards, all size	:, —	2	2 25 2 25
pine scantling, do. boards, 4.4	_	1 12	1 30
dó. 5.4  ₩hite do. com. 4.4	_	2 25	2 50
do. clear, 4. shingles, eyp 18 inc	4	2.30	3 50
juniper, 24 do.	-	2 50 6 50,	3 50 8 50
do. com do.		<b>4 55</b>	5 60
do. hlid. do. bbl.	-	28 .	. 32
red oak, bbl.	_	13	20 10
do, hhd hlid heading	z, —	18 30	20
PORK, Borthern mess,	, bbl.	3 50 27	3.75
Prime		22	23
Baltimore packet	i, —		21 nene
southern, 2d,, 3d,	_		19 50 17 50
PLAISTER PARIS, Fr. N. Scotia, cargo	ton pr.—	8 <i>5</i> 0	none
PORTER, London, American,	doz.	. 3	
RICE, Der	100	1 25 4 50	
Soar, American, white do. brown,	e, Ib.	10 9	12 10
- Castile, SALTPETEE, rough, Ar	n —	17.	
Sassaraas,		no	ne
SPIRITS, Brandy, F. 4th	ton p.g.	12 1 3	14
Barcelona, 1st p.	_	1 20 90	1 25
do. 4th p. Gin, Hol'd, 1st p.	-	95	1
do. do. 2d p.	-	1 13	1 15 scarce
Rum, Jam. 4th p.		60 90	93
Antigua, 3 & 4	1	6.	nane
Windward 72	d	60	· ·
Island 34	d h	65 70	
Whiskey.		48 54	50
Broan, Havanna, white, do. brown,	cwt.	14 50	15
clayed, white,	•••	10 50 13	11 50
Muscov, 1st qual.	•••	10 50	12 50
India, 1st qual.	*	9 50	
losf,	15.	20	
Lisbon,	ish. 🚈	60	62
Liverpool, blown,		55 65	70
Turks Island,	-,	77	· 80
Shor, of all sizes,	cut.	12 50	13
Store prices.	•		. !

## Nankeens & Gurrahs.

6 Doard medrarement.

Cargo prices.

FOR SALE, TITGHT themeand pieces short YELLOW WARKEENS, two thirds first chop, entitled to debenture on exportation. Also, a unimber of bales of BEERBOOM GURNAHS, that are stout and very white; at . Use warehouse of H. Peirce-for cash, or approved mines at sixty days. August 12

To-Let,

And possession given the 12th instant, HE dwelling part of a three story HUUSE, No 248, Baltimore street. For terms apply at No. 34, Water street, to August 2. ROBERT HICKLEY.

A. Black Man OLERABLY well retied in Kitchen Gardening and taking care of horses, will be Ingement of a good situation on application at August 13 and of the stand

From the NATIONAL INTELLINGREER.

refutation of the charge, that the measures of the administration have a greater tendenty to advance the interests of the Southern than the Eastern sections of the union.

[CONTINUED.] Of the same stamp with the preceding charge is that which condemns the administration on account of the sum -annually expended in the maintenance of an army, chiefly occupied in defending the Western frontier. Most of the remarks made on the former charge apply with equal strength to this.

On the defence of that frontier not only the honor and ultimate interest of the whole nation depend, but likewise its immediate and direct interest. Without such a defence would soon become an unproductive wilderness, and he will perceive how greatly the benefit transcends the expence of the protection afforded. Without anarmy the extensive line formed by the frontiers of New York, Louisiana, would be exposed to the in- burthen, or, in other words, the clear founded on a power incident to courts of has favored me with a very accurate note, cursions of the savages, aided as policy profit you derive from this source, con. record, by the common law, or it is de- I should not suppose that the chief should dictate by the hostility of Europe- sisting in the difference between your manded by judges or justices of the peace, justice, or either of the other judges, by individuals is rendered productive, Take another view of the subject. Benumbers is more owing to the facility | at this moment they hold a great many | attending emigration than to all other | millions of acres, and a much greater eircumstances combined together. The number than are possessed by an equal comfort and wealth likewise of the number of the inhabitants of the southern western states are principally to be states. In proportion to this difference traced to this source. So superior is is the peculiar gain derived by you from the fertility of the soil to that on the the increased value of land arising from Atlantic, and so much chesper, that a j the rapidity with which settlements have man of very small property residing in | been formed, and the success which has an old settlement actually becomes at- crowned them. . fluent by a removal to the Western country. He acquires by his own in- tuation, of the unrivalled prosperity you dustry not merely an ample supply of enjoy, and the sources of it which must the fruits of his own lands, but with for a long time, perhaps forever continue, their surplus production the means of any intemperate partizans should rise up sonsuming a large portion of the commodities brought from foreign nations. In this way the personal happiness of those who emigrate is eminently promoted; and in this way too is enlarged the field of business pursued by those who remain in the Atlantic states. For in proportion to the improved circumstances of the emigrant will be his dis- | say, or as men who have sinister designs. position to consume foreign commodi- Mournful and debasing as the acknowties, which will necessarily be imported | ledgment is, it is but too true that there by the merchants on the sea board. are some men, who cannot look around It is indeed impossible to take any them, without sickening at the general correct view of the subject of which prosperity. Beholding too much happiwe have been treating that does not ness in Eden, they tempt you to partake shew that the commercial part of the of the forbidden fruit. Listen not to community is most deeply interested in their insidious addresses. They know the prosperity of the agricultural.-More so, we may venture to affirm than the agricultural part of the community are interested in the prosperity of the commercial. For though the former can, if reduced to the necessity, live independently of the latter, the latter cannot of their virtue to be seduced by his arts. for one moment exist independently of Hence the ambition of these men to dethe former. Agriculture is the root, grade and enslave you. There is but commerce but the branch. The latter one way under heaven in which this purwill inevitably perish with the former; pose can be effected, and that is by diviwhile the former may long survive the decay of the latter.

If then a rational man should be called upon to trace to its sources the prosperity of the Atlantic and more especially the eastern states, he would hold this language to those who inhabit them.

You are an industrious and enterprising people. The political auspices under which you formed your first sottlements have carried you triumphantly through all your difficulties, and enabled you to reap the rich harvest of your virtues. Every path you have trodden is marked by the emblems of liberty and liberality. Flying yourselves from slavery, you have avoided imposing fetters on others. Like a band of brothers, united together by sentiments of common interest, you have permitted every member to act as he Delivered by the Honorable Chief Justice pleased provided he did not injure his brothers. This man has consequently betaken himself to the plough, that man to the loom, and a third to the ocean. Your virtues and exertions have formed a centre the circumference of which has gradually extended to the east and the west. They have resolutely extorted tribute from the land of the one and the swater of the other. Not contented with the circumscribed sphere originally allotted to you, you have aspired to a wilder dominion, and after satisfying your own wants have aimed at satisfying those of others. You have succeeded. How By forming new and extensive colonies in the west, whose hardy sons have extracted from the sertile soil its best productions, and by exploring new markets on the ocean. Hence before commerce could extend its enterprize, it was necessary for the plough to exert its activity;

de, in other words, before you could externey general, and on the with, except in certain enumerated saves, ver remote, that your wealth flows, as the due course of law. mountains.

settlements on the sea board. Let any | cipally from taxes on foreign products | mayor's court. the whole community, your share of this the judgments, of many persons, both in burthen will be diminished? In this this and other states of the union.

the Western country. Further-Of this debt you hold far i decision would admit.

If, after taking this view of your siamong you, and either artfully or ignorantly attempt to convince you that your rights are trampled upon and your interests subverted by the general government, that the west and the south, who are in fact your best friends, are your insidious enemies, treat them as fools or as bad men-as men who know not what they that on your fall they rise. Do you realise the truth that on their rise, you may fall. A nation of freemen is proud and high minded-inflexible and incorruptible—too conscious of their strength to be bent to the purposes of the usurper, and ding the south from the north, the east from the west. United, you are too strong to be subdued. Divided into local parties, you may become the instruments of tyrants. Animosities entertained by one section of the Union against another, may at an auspicious moment be ·lighted into a flame that shall spread de. solation over the fair scene that now surrounds you. Civil war may rage, and the whole experience of the world teaches us that liberty has more to dread from this than any other quarter. Look then, sellow citizens, upon all partiality to a disunion, upon all local animasity that encourages such feelings, as the forbidden fruit, of which as sure as you eat you

HIDGMENT

of Pennsylvania, on the case of the

COMMONWEALTH, WILLIAM DUANE.

[Habeas Corpus, directed to the gaolor of Philadel. phia, to bring the body of the defendant before Wit-LIAM TILOHNAN

This case comes before me, in consequence of a habeas corpus, directed to the gaoler of the city and county of Philadelphis, commanding him to bring before me the body of Wm. Duane together with the cause of his being imprisoned—the gaoler, in obedience to the writ, has produced the body of William Duane, and returned, that he was detained in prison, by virtue of a warrant of commitment from the mayor of Philadelphia. This warrant recites, that Wm. Duane had been charged on the complain of the Marquis de Casta Yrujo, made

indispensable for you to have articles of on the 19th and 21st of July last, in a home production to exchange for those of public news-paper, called the Aurora or and no further, could your trade be car- on the said Marquis, and that the said

courts prior to our revolution, are, with not be very great evils. some exceptions, received as authority in our courts. Now it appears from the far a practice of this kind, exercised by cases before the revolution, that it was by | wicked and daring hands, into which it in order to be bailed, he offered to enter into the common recognizance for his appearance. The attorney general insisted on bail for his good behaviouralso. been taken both ways, and he intended to take the opinion of all the judges; he therefore, for the present, took the defendant's recognizance for his appearance only, and made him enter into a rule, to put in bail for his good behaviour if the major part of the judges should be of opinion that he ought. Nothing further appears to have been done in this casein a marginal note of the report of it by sergeant Wilson, is mentioned the case of the King vs. Franklin, 5, George 2d. when the same point was argued before all the judges, but they never gave any opinion. Mr. Helghmore, in his treatise on bail, published in the year 1783, cites

It appears from these authorities, that the English Judges were unwilling to establish a practice, which they might spirit of the nation. Let us now examine how this matter has been considered in of trial by jury; and their constitutions have shewn great jealousy and sensibility on these points. In prosecutions of libels

scems to consider the law as still unset-

tensively carry on trade, it was absolutely outh of William B. Hight, with having, of which a fibel is not one. It also provides that every citizen may freely speak, write, and print, on any subject, being foreign growth. Just in proportion to General Advertiser, edited by the said responsible for the abuse of that liberty. the surplus productions of the plough, William Duane, published certain libels I think the counsel for Mr. Duane has gone too far, in contending, that our conried on. Your own lands were compara- William Duane had been required by the stitution absolutely prohibits the binding tively poor. Hence your interest in ex- said mayor, to enter into a recognizance, a man to his good behavior for a lively tending your settlements into richer dis. as well for his appearance at the next before conviction. It only provides that a tricts of country, where the labor of one mayor's court, as for his good behaviour man may freely speak, write and print, at man would yield a two fold, and in some in the mean time, which he had refused; his own peril, being responsible either to instances a ten fold production. Here to do; and contains a commitment of W. | the public, or any individual whom he then you behold the source of your Duane until he shall enter into a recogni- may injure. It is generally understood, wealth. It is from these sources, howe- zance as aforesaid, or be delivered by and I think truly, that this provision was intended to prevent men's writings from deepest and broadest rivers take their From an examination that has been being subject to the previous examinasources in the unexplored recesses of the had before me, it also appears that the tion and controul of an officer appointed said Wm. Duane offered, before the by the government, as is the practice in The revolution atchieved by your va- mayor, to enter into a recognizance for many parts of Europe, and was once the such a defence experience has taught for cost you much, and among other his appearance, but refused to enter into practice in England: now, a man, though us that there would be no security for effects entailed upon you a debt of a one for his good behaviour. So that the bound to his good behavior, may still the old inhabitants, or for those who hundred million of dollars, for the gra- only question for my determination, is, publish what he pleases, and if he pubformed new settlements. With such a | dual extinguishment of which between whether it is proper to insist on recogni- | lishes nothing unlawful, his recognizance defence there exists a security almost seven and eight million of dollars have zonce for the good behaviour of William | will not be forseited. Indeed I consider as complete as that which attends the been annually appropriated derived prin- Duane, between this time and the next this point as having been decided, by the supreme court, and ultimately by the man calculate the vast value of the and the sales of western lands. Do you In the consideration of this point are high court of errors and appeals, in the and held by individuals or the public not perceive that in proportion to the in- involved principles of importance, which case of the commonwealth vs. Cobbett, in that portion of the union, that without | crease of the numbers, and prosperity of have agitated the feelings, and divided | which I shall consider more particularly presently. But although it has been decided, that a resognizance when thus point of view, therefore, you are deeply I have considered it, certainly without taken, is not void, yet it never has been interested in the growth and prosperity of passion or prejudice, and with as much | decided within my knowledge, that it is attention as the short time allowed for incumbent on a judge, or that it is prudent, or proper, to call for surety of good Pennsylvania, North Carolina, South | more than your share. In proportion; Surety for good behaviour may be con- | behavior from a person charged with a Carolina and Georgia, with the greater | than to the increased consumption of fo- sidered in two points of view. It is either | libel, before trial, and that is the point part of the states of Kentucky, Ohio | reign goods by the inhabitants of the wes- required after conviction of some indicta- now before me. Indeed from the charge and Tennessee and the territories of the tern country and the sale of the public ble offence, in which case it forms part delivered by C. J. Shippen in Cobbett's Mississippi, Michigan, Orleans and lands will be your exoneration from this of the judgment of the court, and is case, of which my brother judge Smith,

an powers. It is not extravagant to say | quota of the debt and the taxes paid by | out of court, before the trial of the person | would have thought it preper to call for that by the protection afforded at least you. Calculate, and you will find that charged with an offence, in pursuance of this kind of surely, except under very one hundred millions of acres possessed in this way you annually gain millions. authority, derived from a statute made in extraordinary circumstances.—The case the 34th year of Edward 3. It is this now before me is attended with no extraand a still greater number of acres owned fore the national land offices were opened last kind of surety we are now to const- ordinary circumstance, so far as it has by the nation. The benefits derived under the subsisting arrangements, ac. der. The statute 34, Lilward 3, autho. come to my knowledge, judicially, and L. from the secure enjoyment of this im- | cording to which lands are sold for two | rises justices of the peace, to take surety | must confine myself to the evidence promense territory, and the actual cultivation | dollars an acre or up ards, it is a fact | for good behaviour of all those that are | duced. The mayor, who was so obliging of a large portion of it, are almost incal- that your citizens made immense purcha- not of good fame, to the intent that the as to favor me with an account of what culable. The rapid increase of our ses at rates not a tenth part so high, that public may not be troubled by such per passed at his office, declared that he consons. It is supposed that this statute | sidered the security for good behavior, as was made to prevent the disorders which a thing quite of course, and for that reawere introduced by the soldiers of Ed. son only, would not dispense with it.ward the third, numbers of whom, after | And he also declared, that he prepared serving in his armies in France, were the recognizance himself, in what he cons discharged in England. The natural ceived the usual form, without the inmeaning of the words " persons not of struction or direction of the attorney good same," seems to be, those who by general. Now it this practice is estatheir general evil course, and habits of blished, two consequences will follow, life, had acquired a bad reputation, and which certainly may be attended with were supposed to be dangerous to the great inconvenience. In the first place community.—In process of time, howe- the justice who takes the recognizance, ver, the construction of these expressions | may fix it in whatever sum he pleases, has been extended far beyond their ori- and then if it should be forseited by ginal meaning, and persons are now com- libel of the mildest nature, the whole monly held to find surety for their good | penalty must be recovered, without any behaviour, who are not generally of ill power in the court to mitigate the punishe fame, but have only been charged with ment, according to the nature of the some particular offence. It is laid down offence. And in the second place, the by some ancient authors, that libellers | defendant may be brought to trial for a may be held to surety for good behavior. libel, so far as to be burthened with the But on searching the English books of forfeiture of his recognizance, without reports, I find but few cases, in which the previous investigation of a grand courts have given their opinion on this jury. No considerate man will say, that point.—The decisions of the English under certain circumstances, these may

No man can exactly calculate, how.

no means an established practice, that a may sometimes fall, may stiffle, or even man charged with a libel, should, before extinguish, the spirit of honest investigaconviction, be held to surety for his good | tion, and necessary inquiry. And what behaviour. In the case of the Kin, vs. is the occasion for it? The party com-Shuckburg, in the year 1743-Reported plaining, has a right to the protection of 1. Wilson, 29, the defendent was arrest- the laws, and will receive it.—The pered, by virtue of a warrant from the se- son accused, will be brought to his trial cretary of state, for publishing a blasphe. and if convicted, will be punished accordmous libel, called "Old England's Te ing to the degree of the offence; what Deum."-Upon being brought up to the more does public justice require? But court of king's bench, by habeas corpus, it is said, it is necessary to prevent future libels. If suture libels are published while the prosecution is depending, they will be punished, on conviction, in proportion to the obstinacy of the offender. The lord chief justice said, it had often No man abhors more than I do. the base practice of libelling. It is a crime forbidden by the laws of God and man, and of a much blacker dye than many men. seem to be aware of. All classes and descriptions of men, all parties have, in their turn, lamented and suffered by the uncontrouled licentionsness of the press. I am not without hopes that the evil will be lessened, that a remedy will be found, itin the honesty and good sense of a majority of the people, aided by the wholesome chastisement which courts and juries will be called on from time to time to inflict. But in order to give those punishments their sull essicacy, in the community, it will be necessary, in judicial proceedings, the case of the King vs. Shuckburg and to temper firmness with liberality, hever lorgetting that humane principle, which in doubtful cases, turns the scale in favour. of the accused. I should have felt little difficulty in deciding the question before me, but for the case of W. Cobbett, cihave thought hostile to the genius and | ted by the attorney general in his argument. Mr. Cobbett was, in the year 1797, bound, with two sureties, in a re-America. The United States, in general, cognizance for his good behaviour, by the have at all times, been very much alive then chief justice and present governor to the liberty of the press, and the right | M'Kean, whose opinion has great weight with me, because I consider him as on eminent lawyer, zealousty attached to the liberties of this country, both civil and against the king, and officers of govern- religious. I have not been able to obtain ment, it has been usual in England, to an accurate statement of the case of Cobprosecute by way of information; a mode bett, so far as relates to the binding of him of proceeding, by which the desendant is to his good behaviour. Judge Smith's brought to his trial by a petty jury, at notes only contain an account of the actithe instance of the attorney general, on on the recognizance tried in the surwithout the previous inquiry of the grand preme court. As far however as I have jury. The constitution of Pennsylvania | heard, it differs from the present case in has taken special care to guard against scme material circumstances. Thavenethis .- Grand juries are not to be dispensed yer seen the warrant against Cobbett. by