American, AND Commercial Daily Advertiser.

TUESDAY, DECEMBER 9, 1806

The Editor of the Observer,

has authorized Mr. *Henry S. Keatinge* to receive Subscriptions, and to give receipts for such payments as may be made on account of that Paper.

Dec. 6 eo4t

Frederick Brook,

No. 121, MARKET-STREET,

HAS received by the late arrivals from Hamburgh, a general assortment of

German Linen,

Amongst which are :

Platillas,	Checks, No. 2,
Bretagnes,	Book Linen,
Listados,	Creas,
Estopillas,	Cavelingas,
Cholets,	Gingang,
Rouans,	

Which he offers for sale on the usual terms

Dec. 6 eo4t*

James Blair,

No. 25 1-2, Market-street,

HAS just received an elegant assortment of Silk Chambray Muslin, plain and figured; Silk and Cotton Hosiery; Extra Long Silk and Kid Gloves; India Mull Muslin, some very fine; Irish Linens; Diapers; Table Cloths; Dowlas; Checks; India Muslins; Brown Holland; White and Brown Ticklenburg; Hessians; Kerseys; Blue and Drab Plains; Rose and Stripe Blankets; with a large and general assortment of Seasonable Goods, which he will sell low for cash, good paper, or country produce.

ALSO,

800 lbs. of BEES-WAX,
400 lbs. of RED PERUVIAN BARK.

Also,

TO LET, in Liberty-street, a handsome Dwelling House, newly painted and ready for a tenant. The rent will be low.

Dec. 6 eo6t

NOTICE.

THE subscriber, intending to leave this city, has empowered Mr JOHN HARWES, printer, No. 4. North Charles-street, to settle his affairs: Those who have claims against me, will exhibit them to him for settlement; and all those indebted to me, or to the estate of Wm W. Price, deceased, are requested to make immediate payment.

WM. WORTH.

December 6 d4t

Post-Office,

Baltimore, December 3d, 1806.

THE Public are hereby informed, that the Mails for Reister's-town and Manchester, in Maryland; Hanover, Abbott's town, Berlin and Carlisle, in Pennsylvania, will hereafter be closed every Thursday, at 12 o'clock, noon.

Will arrive every Wednesday, at 12 o'clock, noon

CHARLES BURRALL.

Public Sale.

By virtue of a decree of the honorable the high court of chancery of the state of Maryland, will be exposed at public sale, on the premises, on THURSDAY, the 18th day of December next, at 10 o'clock A. M.

THE valuable, improved Lot of GROUND late the property of John Mowton, deceased This Lot is in fee simple, fronts 45 feet on Duke street, and is 118 feet deep. On it are erected two comfortable two-story Brick Dwelling-Houses, a large Brick Stable, Smoke House, &c. The houses will be sold together or separate, as may best suit those inclined to purchase.

The terms of sale are—that the purchaser, or purchasers pay one-fourth of the purchase money in cash, and the residue in three equal instalments at six, nine and twelve months from the day of sale. When the last payment is completed an indisputable title will be given.

All persons having claims against the estate of the aforesaid John Mowton, deceased, are hereby warned to exhibit the same, with the vouchers thereof, to the Chancellor, on or before the 18th day of February 1807, they may otherwise, by law, be excluded from all benefit of said estate.

JAMES MOWTON, Trustee.

Nov. 25 Tu&F3w

☞ Two reasons induce us not to enter into a newspaper controversy with the author of a scurrilous advertisement in Wednesday's "Evening Post:"—Our fellow-citizens well know who George Keatinge *is*, and know how to appreciate his veracity. But as his publication is evidently intended to injure our establishment, with those who *do not know us*, we deem it necessary to state the following:—We *never did*, by our advertisement in Baltimore, propose an exchange of the play we had then in press, with a Baltimore bookseller or printer—In the Aurora of Philadelphia we advertised our play of a "*Hint to Husbands*," and proposed an exchange with booksellers in Philadelphia and New York, for dramatic works of equal merit—by that means we expected to make the Baltimore collection of plays more complete—For surely no person but Mr. Keatinge could suppose that we would receive for our play, which is an immediate cash article, plays in exchange, of which the Baltimore market had been already glutted The next insinuation Mr. K. makes, is our being concerned in the second edition of the Life of Bonaparte—that we are not directly or indirectly concerned in the printing that work, we most solemnly aver; or, that we have ever recommended any book or pamphlet on any printer or bookseller in Baltimore, we also deny—although some of the printers here have not been so tenacious with regard to us. We never have directly or indirectly applied to the managers of the Baltimore Theatre to remove their work from the office where it has been executed for twelve years past, nor ever intended so to do, as by that means it would go directly to injure an affectionate brother of one of the subscribers, whose welfare and prosperity is as dear to him as his own.

The second reason is (unfeigned thanks to our generous friends and the public whose confidence we shall ever study to merit,) we have an *active* and *interesting* business to attend to, which seems to give umbrage to Mr. Keatinge and his coadjutors.

GEO. DOBBIN & MURPHY,

Dec. 6 d4t

Five Dollars Reward,

FOR a LARGE GOLD BREAST PIN, set with Pearl, which was lost on Wednesday evening, if left with the printer, who will pay the reward. It has some hair set in it.

Dec. 6 d4t

Doctor Davidge

WILL commence his Lectures on Anatomy and Surgery, on Monday next, at half past 3 o'clock in the afternoon.

December 6 d4t

Doctor Giraud,

HAS removed from No. 35, a few doors down on the same side, to No. 51, South-street.—Nov 24 d

---

Just Received

Per the Packet from Philadelphia, and for sale by JOHN BUFFUM,

100 kegs FRESH RAISINS.

Dec. 5 d4t

For Sale or Rent,

A HANDSOME and convenient three story Brick HOUSE, situate on Fell's Point, corner of Fleet and Bond-streets, No. 115. For terms apply to the subscriber in Harrison-street, No. 14.

PETER BONNEFIL.

Dec. 5 d4t*

Just Received,

And offered for sale by the subscriber,

150 pipes best 4th proof Cogniac Brandy,
48 casks Claret,
100 cases do. of 12 bottles each,
100 do, White Wine de Grave do.
100 do Fruits in brandy,
98 baskets Sweet Oil, in very large bottles,
3 cases Orange flower Water,
5 trunks ladies' Shoes,

JOHN CARRERE.

December 4. eo3t

TOBACCO.

ONE hundred and thirty four hhds. of very Prime Patuxent TOBACCO, is just received and offered for sale on long credit for good paper, by

ISAIAH MANKIN,
69, Smith's wharf.

Who has also for sale,

Imperial and Young Hyson Tea,
Cogniac Brandy,
Holland Gin,
Aloque Red Wine
Cherry Bounce,
Cider Vinegar,
Codfish, Tongues and Sounds,
Mackerel,
Coarse Cloths, Kerseys, Rose Blankets, Cotton Cambricks, &c.

And one case Linen Cambricks, entitled to debenture, which will be received in part payment.

December 8 d4t

George C. Muller,

Two doors below the Custom-House,

HAS received per the late arrivals from Hamburg and Bremen, and offers for sale on very reasonable terms,

215 PACKAGES OF

GERMAN LINENS,

Consisting of

Platillas Royals,
Britagnes,
Creas a la Morlaix,
Dowlas in 1-2 pieces,
Casgerillos,
Estopillas,
Listados,
Bouten, No. 2,
Checks & Stripes,

All of the finest quality and calculated for the Spanish Market.

ALSO,

White Ticklenburgs,
Osnaburgs,
White Flaxen,
Burlaps,
Brown Rolls,
Hessians,
Bags, &c. &c.

Nov. 12 d6w

This day is finished,

AN ADDITION OF

6000 Spelling Books,

From the 4th and last English edition.

BY LINDLEY MURRAY:

Author of English Grammar, Introduction to English Grammar, English Reader, Exercises, &c. &c.

The above work is comprehended under THREE general divisions. One of the principal objects of the FIRST PART, is, to teach an accurate pronunciation of the elementary sounds, &c.

The SECOND PART of the work affords the learner considerable aid in pronunciation, as well as in orthography. The words of two syllables are not only classed in chapters, according to their accent, but they are arranged in sections, adapted to the sounds of vowels and dipthongs, whether short, long, middle or broad.

The THIRD PART consists of words less familiar to children than those of the preceding parts; of rules for spelling and pronunciation; and of miscellaneous chapters, calculated to give the learner a radical knowledge, and diversified views of the subject.

The lessons for spelling, in every section, are illustrated by short appropriate reading lessons. The orthography of *Johnson*, and the pronunciation of *Walker* have been adopted in *Murray's Spelling Book*—and it is presumed they are authorities which few persons will be inclined to dispute.

Also just received,

2000 copies of a New Spelling Book, called THE PHILADELPHIA DILWORTH'S SPELLING BOOK, IMPROVED.

The present edition being on the same plan of a late Glasgow publication (with considerable improvements) is confidently recommended to the serious attention of teachers, parents and guardians.

On Hand,

A general assortment of SCHOOL BOOKS and STATIONARY—which will be sold on accommodating terms to those who buy for retail.

All kinds of Book and Job Printing, Commercial and Law Blanks, &c. &c executed in the neatest manner at the established prices, by

GEORGE DOBBIN & MURPHY,
No. 10, Baltimore-st. opposite Centre marke

Dec. 5 d

A Journeyman Cabinet maker wanted.

ONE *that can come well recommended, and a good workman, will receive steady employ and reasonable wages. Apply at this office, or to* HENRY INGLE,
Capitol Hill, Washington City.

October 28 eo

Sale by Auction.

By order of John Shee, esq. superintendant of the Indian trade, will be sold at our auction-room, on WEDNESDAY, the 24th instant, on terms that will be made known, at the time of sale,

A quantity of Furs & Peltry,

VAN WYCK & DORSEY, Auct'rs.

December 4.

James Biscoe,

No. 21, CALVERT-STREET,

HAS received per ships Fame, Othello and Diana, from Liverpool,

A GENERAL ASSORTMENT OF

HARDWARE, CUTLERY, BRASS, AND JAPANNED WARES;

And daily expects, per the Canton, a handsome supply of *Bristol Goods.*

October 29 d

Fresh Fruit, just arrived.

WM. WOODS,

No. 31, BALTIMORE-STREET,

Has just received and for sale,

500 boxes Fresh Muscatel and Bloom Raisins,
150 jars Fine Fresh Grapes,
20 boxes Fresh Lemons.

And as usual for sale,

A variety of well chosen Groceries and Liquors.

Dec. 5 d4t

Fresh Malaga Raisins,

GRAPES, &c.

Just received for sale at No. 64, Market-street,

400 boxes Muscatel and Bloom Raisins,
100 jars Malaga Grapes,
200 boxes Rich Goshen Cheese, nicely colored.

JACOB & WM. NORRIS.

In Store,

3000 lb. real Zant Currants; 150 lb. Fresh Mace; 50 lb. real Citron; 16 casks London Refined Salt Petre; 50 boxes warranted and common Chocolate; Olives, Capers, and Anchovies, in boxes; Butter, in firkins and kegs; Bordeaux Oil, in baskets of 12 bottles each; and boxes of 30 flasks each; Spermaceti Oil, in casks and by retail; 100 half boxes 1st chop Segars; French Fruit in Brandy, 12 bottles in a box; 1000 baskets Table Salt: Holland Gin, in pipes; real Cogniac Brandy, in long pipes, old and fit for immediate use; 50 kegs Virginia Manufactured Tobacco, 6 twists to the lb. recommended to retailers; Imperial, Hyson, Young Hyson, Hyson Skin and Souchong Teas, in chests, suitable for retailing; and a few half chests and small boxes 1st chop Imperial Tea; Cabinass Tobacco, in kegs and half kegs; Jamieson's Crackers, in barrels, half barrels, and kegs; high glazed Playing Cards, &c. &c

Dec 5 d6t-TawTw

Just Arrived

And for sale by N. OBRIE & CO.

Of Philadelphia, at Mr. Sterling's new house, directly opposite his store in Market-street, who intend to stay in this city only a week—An assortment of DRY GOODS, consisting of

Striped and Damask Silk Shawls, 5, 6 & 7-4.
Black, Slate, White, and Rose colored Men and Women's Silk Stockings,
Short and Extra Long Silk Gloves,
Mantua, Sarsenet, Pealong & Black Persian,
Mantua and Velvet Ribbons,
Colored Crapes, assorted,
Silk Umbrellas,
Silk and Leather Suspenders,
Cachmer and Angola Shawls,
Scotch and Cotton Thread,
Thread Laces and Veils,
India Book Muslin
Curtain Fringes,
Pocket Books,
Dowlas and Linen Checks, &c.

Dec. 8 d4t*

Post-Office, Baltimore,

DECEMBER 6, 1806.

THE public are hereby informed, that the Winter Establishment of the Mail upon the main line, will commence at this office on MONDAY, the 8th instant

EASTERN MAIL

Will close at a quarter past 7 o'clock, A. M.
Will arrive at 9 o'clock, A. M

SOUTHERN MAIL

Will close at a quarter past 7 o'clock, A. M.
Will arrive at 9 o'clock, A. M.

Letters for the above mails must be deposited at this office by a quarter past 7 o'clock, A. M. otherwise they cannot be forwarded in the mails of the day; as both these great mails are to be closed previous to the arrival of the southern mail.

CHARLES BURRALL.

December 8

To Farmers and Planters.

A MAN who wishes to engage as Overseer with a gentleman in the above line, and who will give every satisfaction respecting his honesty and industry; and moreover his great ability in the various actions of that business, which the certificates of all his former employers throughout the different places in America he has managed, will evidently explain and prove, that he is capable of undertaking such a task. Letters directed to B. C. D. and likewise directed to Baltimore Post Office, will be duly attended to.

Dec. 8 d4t*

John Buffum,

84, BOWLY'S WHARF,

Has received per ship Iris, captain Conway, from Salem,

130 bales INDIA GOODS.

Consisting of

	Cubits.
80 bales best Beerboom Gurrahs,	36 by 2 1-4
2 ditto Gurrah Sannas,	40 by 2 1-4
4 ditto Maw Sannas,	23 by 1 1-2
1 ditto brown Baftas,	24 by 2
4 ditto Jugdea ditto,	25 by 2
5 ditto Luckipore ditto,	25 by 2
2 ditto Cossapore ditto,	25 by 2
12 ditto Rungpore ditto,	26 by 2 1-2
4 ditto Checks,	17 by 1 3-4
11 ditto ditto,	16 by 1 3-4

2 ditto blue Gilla Handkerchiefs, 10 pr. ps.
2 ditto Kermicky, ditto ditto.

ALSO,

50 pipes 4th proof white Spanish Brandy,
20 ditto Corsica Wine,
10 half } Casks Catalonia WINE,
10 qr. }
99 bags first quality Calcutta Sugar.

The whole of the above goods are entitled to drawback, which will be received in part payment.

Nov. 26 d&eo6t

Wanted,

A DWELLING HOUSE for a small family—a two story one would be preferred. Apply at this office

---

NEW-YORK *December. 6.*

LATEST FROM ENGLAND.

The ship Walker, Capt Barney, from Liverpool, came up from Sandy-Hook, yesterday, after being detained several days by head winds. By this arrival we have received London papers of the evening of the 11th of October.

It was reported at Liverpool, on the 14th of October, that Lord Lauderdale had arrived at London. The Globe, of the 11th says, "The Earl of Lauderdale is expected this night or in the morning." So that there is no doubt the above report is founded on fact.

Private accounts from Holland state, that the measures of government, for defence of the country, were every where opposed. A number of young men who were put in requisition at the Hague, on being ordered to take arms and join the French against the Prussians, absolutely refused to proceed. To induce them to change their determination, they were told that an invasion by the English might be expected. Their answer was—"Let them come; it is not us they seek to destroy."

Baron Jacobi had arrived at London from Hamburg.

Orders had been sent down to Portsmouth for the force collected there to repair immediately to Falmouth The force collecting there will be the 6th, and 17th dragoons; the 6th, 36th, 40th, 87th, and 97th regiments, and several corps of artillery—destined to Buenos-Ayres.

The five French frigates lately captured, were ordered to be purchased, and put into commission.

On the 11th of Oct. at noon, omnium was at 4.

We find, on a re-examination of a Hamburg paper of the 11th of October, that the French Ambassador Laforest had left Berlin. That the King of Prussia's head quarters were at Erfurth, to the southward of which place and towards the frontiers of Franconia (and consequently between the Prussian and French armies) are situated the Black Forest and the Forest of Thuringen.

The London STAR, of Oct 11, says, "The promptitude evinced by our Government, cannot fail, at the present moment, to animate the country, and to procure for the Ministers the cordial approbation of all parties. We have three or four armies afloat, which, on the moment of Lord Lauderdale's recall, are sent to hurl vengeance against our enemies in Italy—in Africa—And in America, and to deprive them of those commercial resources which have hitherto been left them."

Mr. Fox was buried on the 10th Oct.

The brave Hood was mending so fast that it was expected he would go with one of the Expeditions to South America.

Communication.—The Rev. Dr. Du Burgh, president of St. Mary's College in Baltimore, will preach in St' Peter's Church to-morrow at eleven o'clock.

—

CLEVES, September 26.

The military preparations on the part of the Prussians and French are very formidable. Exclusive of the grand French army which is still in Germany, and which actually amounts to 160,000 or 170,000 men, another army of 100,000 is collecting in the vicinity of Wesel.

EMMERICH, September 28

We have just learnt, that the whole camp of Zeist, of 16,000 men, has broke up and marched towards Wesel, to be quartered in the vicinity of that fortress. Their head quarters will be at Wesel, which fortress will be placed in a respectable state of defence

MERSEBURG, September 30.

The Prussian army now concentrated in Saxony, amounts to about 150,000. The troops of Saxony have already joined those under Hohenlohe, who has in consequence dispatched several regiments to the main army. The corps under General Kalkreuth has already arrived from Pomerania, and joined the army.

The corps under the Duke Eugene of Wurtemberg, has broke up from the vicinity of Nordhausen, and is marching by forced marches towards Westphalia. General Le Coq passed through Heiligenstedt the day before yesterday, in order, as is reported, to take the command in chief in Westphalia

Frankfort on the Maine, October 3.

His Majesty the Emperor Napoleon arrived here from Mentz, in the night between the 1st and 2d instant, accompanied by his brother Prince Jerome, and many eminent military officers. His Majesty set out from hence for Aschaffenburg.

HAMBURG, OCT. 9.

From all the latest accounts, the French army seems to concentrate itself between Bamberg and Wirzburg and all the marching divisions take their route in that direction.

The Russian army under Kutusow and Prince Bagration, on its march to join the Prussians, is estimated at 80,000 men.

ALTONA OCTOBER 11.

Bamberg and Wirtzburgh, it appears, will be a place of general rendezous for the French army. From thence they are preparing to extend more to the left

The corps of General Soult forms the right wing, which is in motion all along the Danube. Next to this is the Army of the Confederacy,

The Prussian army is stationed at Meyningen, Eisenach, and Gotha, opposite that of the French. The Prussian head quarters are at Erfurt.

The Elector of Hesse-Cassel is maintaining an armed neutrality.

It is said that two Russian armies, of 50,000 men each, are rapidly advancing towards the Prussian armies, and, if we might form an opinion from the large military stores collected in Liebau, a third Russian army is expected.

The Prussian army of reserve, assembled at Kastris, is advancing along the Spree towards Berlin.

Should both armies take the field with an equal ardour for conquest, more blood will be shed in this than any former campaign ever recorded in the annals of the world.

FRANKFORT, (Ky.) Nov. 13.

On Saturday last, Judge Innes delivered the following opinion on the subject of the motion against Colonel Burr, made by the federal attorney on Wednesday preceding:

THE UNITED STATES
VERSUS
AARON BURR.

Motion to award process, to arrest the defendant on suspicion of having committed a "High misdemeanor, to compel the attendance of witnesses.

The motion made by Mr. attorney on the third day of this term, is predicated upon the fifth section of the act of Congress, entitled "An act in addition to the act for the punishment of certain crimes against the United States."

"That if any person shall within the territory or jurisdiction of the United States begin or set on foot, or provide or prepare the means for any military expedition or enterprize to be carried on from thence against the territory or dominions of any foreign prince or state, with whom the United States 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 three thousand dollars nor the term of imprisonment be more than three years."

The evidence in support of the motion is in the following words, viz

J. H. Daviess, attorney for the said U. States, in and for said district, upon his corporal oath, doth depose and say, that the deponent is informed and doth verily believe, that a certain Aaron Burr, esq. late vice-president of the United States, for several months past, hath been, and is now engaged in preparing, and setting on foot, and in providing and preparing the means for a military expedition and enterprize within this district, for the purpose of descending the Ohio and Mississippi therewith, and making war upon the subjects of the king of Spain, who are in a state of peace with the people of these United States. To wit: on the provinces of Mexico, on the west rly side of Louisiana, which appertain and belong to the king of Spain, an European prince, with whom the United States are at peace.

And said deponent further saith, that he is informed, and fully believes, that the above charge can be, and will be fully substantiated by evidence, provided this honorable court will grant compulsory process to bring in witnesses to testify thereto.

And the deponent further saith, that he is informed, and verily believes, that the agents and emissaries of the said Burr, have purchased up, and are continuing to purchase large stores of provisions, as if for an army; which the said Burr seems to conceal in great mystery from the people at large, his purposes and projects; while the minds of the good people of this district seem agitated with the current rumor that a military expedition against some neighbouring power is preparing by said Burr.

Wherefore, said attorney, on behalf of the United States, prays that due process issue to compel the personal appearance of the said Aaron Burr in this court, and also of such witnesses as may be necessary on behalf of the said United States; and that this honorable court will duly recognize the said Aaron Burr, to answer such charges as may be preferred against him in the premises; and in the meantime, that he desist and refrain from all further preparation and proceding in the said armament within the said United States, or the territories or dependencies thereof.

J. H. DAVIESS. A. U. S.

November 5th, 1806.
Affirmed to in open court.
Attest,
THOS. TUNSTALL, C. K. D. C.

The question to be considered,—Has this court a power to award process against the accused, and to compel the attendance of witnesses upon this motion—and if the court has such power, is the evidence adduced sufficient to warrant the measure.

Four kinds of proceeding have been known and pursued in order to convict persons of crimes and misdemeanors—1st, By an application to a justice or judge out of court—2d, By prefering an indictment to a grand jury—3d, By presentment of the grand jury—and the 4th, By information.

The present application is not embraced by either of these modes of proceeding.—It is a new case resting on the discretion of the court, and as this decision may be considered a precedent in future, I have thought my duty to take time and mature the subject, because the proposed measure being preventative—no injury would arise by a little delay. No instance has occurred (within my recollection,) since I have become acquainted with judicial proceedings, where a crime or misdemeanor has been committed), of a motion being made to a court to award process, to arrest the offender in the first instance; neither have I knowledge of the existence of a law to authorise it.

In any case where a court awards process it is predicated upon some previous act already done, which gives the court cognizance of the subject and brings the case in a legal shape before that tribunal; this being performed, the power to adopt every necessary measure to attain the object and end of the law and to perfect justice is vested in a court.

The magnitude of this case, not only as it relates to the community—but to the accused, requires that the proceedings be pursued with regularity, caution and circumspection.—If the facts stated in the affidavit be true, the project ought to be prevented and the offender punished—Yet in doing this, the regular legal steps pointed out by usage or by law, ought to be pursued. If on the other hand the accused be innocent, the strong arm of power ought to be confined within its proper limits—the known rules of proceeding—and on no occasion but *extreme necessity* ought a judge to be induced to exercise a power which rests on discretion—The law then becomes unknown, and the best judge may be considered a tyrant, because it then depends upon his whim and caprice—It will not be uniform, but is liable to change with the opinion of every judge.

These reflections extend to the general principle arising out of this case.—Admit however that they are erroneous—to award process would be improper—it would be an act of oppression; because there is not legal evidence before the court to authorise an arrest of the person accused. The evidence is the oath of a person, who has been informed by one not upon oath, that the deponent believes the fact to be true. I have no doubt of the truth of the affidavit—that is, that the deponent has been informed of the fact stated—and it is possible the fact as stated is true—yet it is not legal evidence, and not being legal evidence the court cannot act upon it.

Upon this view of the subject, I am compelled to declare: that as the case is a new one—as no precedent has been shewn to justify such a