

On Monday last, four tiggers in coming from the brig Minerva, in the North-River, on board a small boat, upset, and 2 of them were drowned.

PHILADELPHIA, May 28. In a Paris paper of the 2d April, there are advertised for sale by public venue, three hundred Prussian vessels, seized in the ports of Bordeaux and Libourne.

RICHMOND, May 26. Opinion of the Federal Court, delivered by Chief Justice Marshall, on the motion of the Attorney of the U. States to commit Aaron Burr for High Treason against the U. S.

In considering the question which was argued yesterday, it appears to be necessary to decide:

1st: Whether the court sitting as a court, possesses the power to commit any person charged with an offence against the U. S.

2d: If this power be possessed, whether circumstances exist in this case which ought to refrain its exercise.

The first point was not made in the argument, and would, if decided against the attorney for the U. States, only change the mode of proceeding. If a doubt can exist respecting it, that doubt arises from the omission in the laws of the U. States to invest their courts, sitting as courts, with the power to commit. It is expressly given to every justice and judge, but not to a court.

T. is objection was not made on the part of Col. Burr and is now mentioned, not because it is believed to present any insuperable difficulty, but to show that it has been considered.

This power is necessarily exercised by courts in discharge of their functions, and seems not to have been expressly given, because it is implied in the duties which a court must perform, and the judicial act contemplates it in this light. They have cognizance of all crimes against the United States; they are competent of the persons who can commit those crimes, and it is obviously a derogation by the legislature, that the judges may exercise a discretionary power which they possess individually, for as it is necessary to enable them to retain a person charged with an offence in order to receive the judgment which may finally be rendered in his case. The court say this is obviously understood by the legislature, because there is no clause expressly giving to the court the power to bail or to commit a person, who appears in discharge of his responsibility, and against whom the attorney for the United States does not choose to proceed, and yet the 3d section of the judicial act, evinces a clear understanding in the legislature, that the power to take bail is in possession of the court.

If a person shall appear in conformity with his recognizance, and the court passes away without taking any order respecting him, he is discharged. A new recognizance, therefore, or a commitment on the failure to enter into one, is in the nature of an original commitment, and this power has been uniformly exercised. It is believed to be a correct position, that the power to commit for offences of which it has cognizance, is exercised by every court of criminal jurisdiction, and that courts as well as individual magistrates are conservators of the peace.

Were it otherwise the consequence would be that it would become the duty of the judge to defend from the bench, and in his character as an individual magistrate, to do that which the court is asked to do. If a court possesses the power, it is certainly its duty to hear the motion which has been made on the part of the U. S. for in cases of the character of that under consideration, its duty and its power are co-extensive with each other. It was observed when the motion was made, and the observation may now be repeated, that the argument on the part of the accused ran in opposition to the motion on the part of the U. S. and certainly, that the consequences may result from it, than the want of a legal right to make it.

The bill is, that the Grand Jury being now in session ready to receive an indictment, the attorney for the United States ought to proceed by bill instead of applying to the court, since the only purpose of a commitment is to bring the accused before a Grand Jury. This statement contains an obvious error which detracts its operation. The commitment is not made for the sole purpose of bringing the accused before a Grand Jury; it is made for the purpose of subjecting him personally to the judgment of the law, and the grand jury is only the first step towards that judgment.

If, as has been argued, the commitment was simply to det in the person until a Grand Jury could be obtained, then its operation would cease on the assembling of a Grand Jury; but such is not the fact. The order of commitment retains its force while the jury is in session, and if the prosecutor does not proceed, the court is bound to retain a prisoner in confinement, or to renew his recognizance to a subsequent term.

The arguments drawn from the general policy of our laws, from the attention which should be bestowed on prosecutions, and from the peculiar inconveniences and hardships of this particular case, from the improper effects which inevitably result from the examination of those who make the motion, rather than of the court, and others go to the circumspection with which the testimony in support of the motion ought to be weighed, rather than to the duty of hearing it.

It has been said that Col. Burr already stands charged with treason, and that, therefore, a motion to commit him for the same offence is improper. But the fact is not so understood by the court. The application to charge him with treason was rejected by the Judge to whom it was made, because the testimony offered in support of the charge did not furnish a probable cause for the opinion, that the crime had been committed. After this rejection, Col. Burr stood so far as respected his legal liability to have the charge repeated, in precisely the same situation as if it had never been made. He appears in court now as if the crime of treason had never before been alleged against him. That it has been alleged, that the government had time to collect testimony for the establishment of the fact, that an immense crowd of witnesses are attending for the purpose, that the prosecutor in his own judgement has testimony to support the indictment, are circumstances which may have their influence on the motion for a commitment, or on a continuance, but which cannot deprive the Attorney for the U. S. of the right to make his motion. If he was about to send up a bill to the Grand Jury, he might move that the person designed to accuse, should be ordered into custody and it would be in the discretion of the court to grant or to reject the motion.

The court perceive and regrets that the result of this motion, may be publications unfavorable to the justice, and to the right decision of the case. But if this consequence is to be prevented, it must be by the means of a man by refusing to hear the motion. No man feeling a correct sense of the importance which ought to be attached to all our laws, and in particular to the administration of justice; especially in criminal prosecutions, can view with an extreme solicitude any attempt which may be made to prejudice the public judgement, and to try any person, not by the laws of his country, and the testimony exhibited against him—but by public feelings, which may be and often are artificially excited against the innocent, as well as the guilty. But the remedy, for a practice not less dangerous than it is criminal, is not to be obtained by so pressing motions which either party may have a legal right to make.

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American Commercial Daily Advertiser.

SATURDAY, MAY 30, 1867.

A Supplement, with advertisements and whatever articles of news the mails of this day may furnish, will be issued from the office of the American in the course of this forenoon.

The article in this day's American, relative to the acquittal of Captain Whitley, for the murder of Pierce, will excite, no doubt, more than a common degree of attention from the American public.

The conclusion of our strictures on Love's letter, &c. that appear on Monday or Tuesday. The only branch of the subject which remains to be discussed is the information of Mr. Caget, from that northern influence has prevented the proper defence of the country. We may perhaps add, as incidentally connected with the subject, a few remarks on the acquittal of Whitley.

If the reader will take the trouble to examine dates respecting the forcing of the passage of the Dardanelles by a British Squadron, and the declaration of Mr. Arbutnot (as published to-day) to the Ottoman government, there will be found much room for calling in question the truth of the reported peace between Britain, Russia and the Porte.

We are authorized to state, that Capt. Davis, of the brig Mercury, who arrived at this port on the 24th inst. from Bordeaux, experienced the most humiliating and mortifying treatment, from the commander of his Britannic Majesty's Frigate Melampus, and that the collector of the customs, has transmitted a formal account of the same to the department of State.

The following is a brief & accurate recital of the circumstances:

Capt. Davis had shipped a pilot, and having the wind a head, and a strong current setting against him, his brig was brought to an anchor on the 17th inst. in 7 and a half fathoms water, about 25 or 30 miles to the southward of the Cape & within 2 miles of the coast. In this situation the Mercury was boarded by an officer from the Melampus, who having examined her papers, requested Capt. Davis to accompany him on board the Frigate, which was refused with an observation from Capt. Davis, admitted to by the officer that he was not more than 20 miles from the shore, and of course within the maritime jurisdiction of the U. States.

The officer then went on board his own ship but immediately returned and informed Capt. Davis, that he had orders to take him, his papers, and letter bag, on board the Frigate. As resistance would have been unavailing Capt. D. went—When he went on board the Frigate, his papers and letter bag were carried into the cabin, and he himself prevented from accompanying them. After a detention of about one hour they were returned to him, and he returned to his own vessel, where he immediately opened the letter bag, in presence of his officers and passengers, and found that the seals of a considerable number of the letters had been broken, and their various inclosures, consisting of invoices, accounts, sales, and other mercantile writings thrown promiscuously into the bag as if with design to create confusion, and make their arrangements as difficult as possible.

This however Capt. D. did not attempt, but delivered them to the Post Master, in the order they had been placed by the capt. of the Melampus. Had this been a military instance of British influence, we should have been disposed to attribute it to the folly of some Marine Brigade; but the frequency of such conduct, war warrants a belief that it is authorized on the part of the English Government.

LONDON, April 21. Trial of Captain Whitley of the Leander.

A Court Martial assembled on board the Gladiator, in Portsmouth Harbour, on the 16th and 17th inst. to enquire into the conduct of Capt. Whitley, late of his Majesty's ship Leander, who by order of Capt. John P. Beresford, of his Majesty's ship Cambrian, (about April last) then Commander in Chief of his Majesty's ships and vessels on the Halifax station, was directed to cruise off New York, for the purpose of gaining information, and who, by letters dated the 6th of May last to Capt. Beresford, represented that on the 25th of the preceding month, several vessels were coming down from the light house, near New York, and as they obliquely perished in not attending to the first shot fired from the Leander, when closely pursued, several of the said vessels were boarded, and among the number that did not bring to, was a coasting sloop, on board of which it appeared, by various letters and papers transmitted by Captain Beresford to the Admiralty, an American seaman was unfortunately killed, by a shot fired from the Leander, or from some other of his Majesty's ships and vessels then under the orders of Capt. Whitley; the Court having enquired into the conduct of Capt. Whitley, on a charge of violating the neutrality of a nation in amity with his Majesty, and having on the 25th of April last, within the waters and jurisdiction of the United States of America, unlawfully, wilfully, and of his malice aforethought, caused a shot to be fired from his Majesty's ship Leander, thereby one John Pierce, a citizen of America, was feloniously killed and murdered; and having heard the evidence in support of the charge, and Capt. Whitley in his defence; and having maturely considered the whole, were of opinion that the charge had not been proved, and did adjudge Capt. Whitley—to be acquitted.

TOAST, Lately drank at a dinner of Bootmakers and Printers in Dublin:

"A handsome Preface, ingenious Introduction, on, go a Title, bold impression, strong binding, and general circulation to friendship and Irish hospitality."

DECLARATION.

Of the English Ambassador, Mr. Arbutnot, in the conference at Constantinople, Feb. 25:

"The Sublime Porte which has never ceased to manifest partiality for the French, has more particularly since the arrival of the French Ambassador, General Sebastiani, in this capital, changed its principles and system towards its own allies."

"The said Ambassador some days after his arrival having given in a note containing certain threats, the Sublime Porte ought to have returned his note, and sent away the author; the Sublime Porte, on the contrary, received the note favourably, and ignited to Russia, that the flaps of war would not be suffered to pass the canal of the Black Sea."

"On the occasion of the establishment of the hopodars of Moldavia and Wallachia, which took place in the course of preceding circumstances, the Porte ought immediately to have consented but the delay of that consent which was not given till three weeks afterwards, when the Russian Ambassador had formally demanded it, was a proof of the overbearing influence which the French court had acquired. The Russian and English courts therefore agreed that the former should send land forces into the Turkish territory and the latter a fleet to the capital of the Ottoman Empire."

"Should the Porte be inclined to give a negative answer to the present proposal, the Ambassador will send back to their country all the English merchants in the Ottoman States, and remain himself here to renew the same proposal, and enter into conferences on the subject, when the said combined maritime force shall have formed a junction in the vicinity of this capital."

Married, on Thursday evening last, by the Reverend Doctor Bent, Washington Van Bibber, Esq. to Miss Lucretia Emory, both of this city.

Departed this life, on Tuesday last, in the 80th year of his age, Mr. Jonathan Conner, an exemplary member of the Society of Friends. He had experienced various vicissitudes in life, through which he preserved a remarkable equanimity. He had for a long time anticipated the approaching period of dissolution, and met death with the same composure for which he was remarkable through the course of his life.

Marine Intelligence.

Port of Baltimore.

ENTERED, Brig Newton, Bunker, St. Domingo; Hiram, Church, St. Croix; Admiral Berkeley, Dean, Gonaves; Sbr't Betsy, Bolton, St. Jago; Rainbow, Fulton, St. Thomas and Ter's Island.

John, Davis, Martingone; David, Chayer, Vera Cruz; Five Sisters, Bates, Laguna.

Ship John Adams, Calender, Liverpool; Sch'r Thomas Jefferson, Watt, Naulan; Fox, Mills, Vera Cruz.

From the Merchants Coffee-House Books. May 29. Arrived, ship Catherine, Keel, 24 days from Point Petre, Guadaloupe—Sugar, coffee & wine—the matter. Left, brig Henry, for Philadelphia, in 3 days; for the Island of Washington, N. C. for Baltimore, in 3 days; ship Clothier, for Philadelphia, uncertain; ship Polk, to New York in 5 days, Peter, do. 10 days, Videry, do. do.; Ich'r Millard, of Philadelphia; and a Ich'r belonging to Mr. Patterson, of Baltimore. Sailed in co. with Ich'r Louisa, for Charleston, and Union, for Washington, N. C.

Alfo, Swedish Frig. Experiment, Hauser, 30 days from Jacmel—coffee—Henry Wilson. Left Swedish Ich'r Gustavus, for Baltimore, in 10 or 15 days, and several Dances and Swedes.

Boston, May 25. Arrived, Ich'r Boston, Smith, 25 days from Martinico. Passengers, Count Joseph Bach Darband, former major-general and commander of Fort-Royal, his lady, son and servants.

Arrived, brig Neutrality, 9 days from Baltimore; Susan, Trevet, do. Cleared, on the 24th, Thomas, Evelith, Baltimore; Sally, Thorp, Richmond; Packet, Barry, Alexandria.

New-York, May 28. ARRIVED, The brig Eliza, Anderson, 76 days from Leghorn, and 41 from Gibraltar. Vessels left have been reported. The Eliza was conveyed through the Gut in company with eight other American vessels by a British cutter—as it was dangerous to pass unprotected, the French and Spanish gun-boats capturing all American vessels they fall in with. March 11, in the Gulf of Lyons, spoke the brig Jason, of Salem, from Messina for Marseilles, in distress, having been on her beam ends, lost her caboose and some spars. May 5, lat. 37; 7, long. 55, 10, spoke the brig Decatur, of Bath, 36 days from Bordeaux for Norfolk.

The brig Hornet, Minor, 8 days from Wilmington, N. C. May 24, at 9 A. M. fifteen leagues south-east of Sandy Hook, spoke ship George, Taylor, from New-York for Greenock.

The schooner Rising States, 30 hours from Norfolk. The schooner Fame, Sturdivant, from Philadelphia. The sloop Venus, Boush, three days from Norfolk.

The sloop Fair Haven, Maxfield, of New-Bedford, 7 days from Savannah. At quarantine, the schooner Sunbury, of N. Yarmouth, in 31 days from Trinidad, Port Spain.

The schooner Venus, Slade, 5 days from George-Town, S. C. The brig Juliana, Murdock, 18 days from St. Jago de Cuba. Left schooners Indians, of Nantucket; and Hannah, Easters, for Philadelphia, the latter two days—and many detained vessels.

The schooner Governor Strong, Munro, 12 days from Mariel. Sailed in company brig Connecticut, Blin, from New-London. The brig Penguin, Swan, sailed 3 days before for New York.

The schooner Jane Barnes, Wardwell, from St. Utes, and 13 days from Havana. Lat. 31, long. 76, spoke ship Jupiter, 5 days from Charleston for Liverpool.

The British schooner Swan, Knock, 15 days from Cornwallis, Bay of Funday. Below last night the brig Catharine Ray, 9 days from Bermuda, with Mr. Tom, of this city, on board—brig Mary, Norton, 12 days from Havana—brig Alfred, from St. Croix—and two schooners. Wind southerly. Cleared, ships Magdalena, Cowman, Madeira and India; Passenger, Coppenger, Tomningen; Dayal, Grant, Billa; Venus, Bunce, Madeira; Phoenix, Stanton, Liverpool; brig Active, Harrison; Swift, Campbell, Cadiz and a market; Amazon, St. Jago de Cuba.

Philadelphia, May 28. ARRIVED, Schooners Regulation, Norton, Boston; Adventure, Town, Norfolk; sloop George Washington, Sturges, New-York. Ship Eleanor, Parker, from Havana is below.

At Cape Francois May 12, British ship Robert and May, Danish schooner Eliza, Swedish schooner Risk, do. brig Neptune. Yesterday arrived, schooner Nancy, Barry, in 23 days from St. Domingo. May 14, a lat. 23, 28, long. 67, spoke schooner Hero, Marton, from Laguna bound to Salem, cut to twelve days. May 15, spoke the sloop Isabella, Bernard, from Wilmington, N. C. bound to Jamaica, cut 11 days. May 23, spoke the schooner Traveller, Foggy, cut 15 days from Jamaica, bound to Portland. The Swedish schooner Cooper, captain Bowen was captured on the 25th of April, by the French privateer Two Friends, Derce.

Swedish ship Margareta, from St. Bartholomews to Jacmel, is captured by the French, retaken by the British, and sent to Jamaica.

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TURTLE SOUP

Will be served up THIS DAY by the subscriber, at the Shakespear Tavern (nearly opposite the Theatre) and every Wednesday and Saturday, during the season, from 11 o'clock in the forenoon to 3 in the afternoon.

JOHN BROWN. WARR* May 30.

Sale by Auction.

On MONDAY, The 1st of June, at 10 o'clock, at the auction room, at the head of Gay-street dock, will commence the sale of

A Variety of Dry Goods; Among which are, 1 cask Brown Holland 1 do Fancy Mullins 1 do Gingham 1 do Book Mullin 1 do Madras Handkerchiefs 1 do Pullicats 2 bales Gurrens 1 do Hurrell Coffas, &c. &c. and at 12 o'clock, 44 bbls. Mocha Sugar, to close sales 31 do Clayed do 25 barrels Green Coffee 40 boxes White and Brown Sugar 20 pipes Brandy 25 chests Young Lyon Tea.

R. LEMMON & Co. Auctioneers. At private sale on a liberal credit, A quantity of Sheathing Copper. May 30 R. L. & Co.

Sale by Auction.

ON TUESDAY, The 2d June, at the auction room, at the head of Frederick-street dock, at 12 o'clock, will be sold on a liberal credit, The CARGO of the Brig Decatur, from Bordeaux,

Consisting of 250 pipes choice Brandy. VAN WYCK & DORSEY, Auctioneers. May 30

Genuine Cologne Water,

JUST received and for sale by the subscriber, No. 222, Market-street. M. JAMBU. eost May 30

City Commissioners' Office,

Baltimore, May 30th, 1867. NOTICE IS HEREBY GIVEN, THAT the City Commissioners will meet on Thursday next, the 4th of June, at 9 o'clock A. M. to establish the north-west intersection of Second-street and Market space; also the division line between Lots No. 212 and 214, situate on Market-space and the westernmost boundary line of Lots No. 213 and 214.

From thence they will proceed to establish the division lines between that part of Lot No. 113, situate on Frederick-street, heretofore assigned and set over by Peter Litzinger to Thomas Constable, and that part of said lot assigned and set over by Peter Litzinger to John Neitzinger, and assigned by said John Neitzinger to Michael Dillwacker.

Those who are interested in the above establishment are requested to attend with the surveyor, land marks, and papers, necessary for establishing the same. By order of the Board, SAMUEL VINCENT, Clerk. ddt May 30

Received,

BY the brig Admiral Berkeley, captain Collins, from Gonaves, About 70,000 wt. Prime Green COFFEE, in bags. For sale by PAYSON & SMITH. eost May 30

Stray Cow.

STRAYED away from the subscriber on Sunday last, a BLACK and WHITE COW, the only mark recollectible, is that her bag is black, and she is very thin in flesh. Two dollars will be given if brought home, or one for information. CHRISTIAN ADREON, No. 162 1-2, Market-street. ddt May 30

Wanted to Charter,

A VESSEL of 4 to 600 blis. for the Windward Islands. Apply to WM. WOOD, Second-street. ddt May 30

Sale by Auction—This Day,

On 2, 4 and 6 months credit. The mackerel and faithful built BRIG VENUS. With all her tackle and apparatus, as she arrived from sea, will be offered at auction on the day, at Barron's wharf, Fell's Point, immediately after the brig Mercury and ship Telemachus. The Venus is 173 tons burthen, nearly new and runs remarkably fast.

THOMAS CHASE, Auctioneer. May 30

One Hundred Dollars Reward.

RAN away from the subscriber, a Young Negro Man, named TOM. He left me at Mr. Charles Carroll's, near Hagers-Town, Maryland, on the morning of the 21st instant. He is tolerable black; twenty or twenty-one years of age; about five feet six inches high; well made, but rather slender, and has a good countenance. Had on a brown cloth runcible, striped swansdown waistcoat, and corduroy overalls, all new; a good felt hat, shoes and stockings. He took with him two or three cotton shirts, as many silk handkerchiefs, four cravats, a pair of new cotton and two or three pair of old woollen and thread stockings. For apprehending and securing the above fellow in any jail and giving me immediate notice thereof, by post or otherwise, so that I get him again, I will give \$100.00; if taken within a hundred miles of my residence in Hampshire county, Virginia, near Gettysburg, Maryland, or of Mr. Joseph Springs, in Washington county, Maryland, and delivered to either, I will give fifty dollars; and a greater distance the above reward, one hundred dollars.

OSBORN SPRIGG, Jun. ddt May 30

NOTICE.

A Real Green TURKLE, of 100 weight, will be served up on the table of the Fountain Inn, in the new Assembly Room, on MONDAY NEXT, the 1st of June, at two o'clock precisely. JAMES BRYDEN. ddt May 30

F. & C. Focke,

Opposite the Custom House, OFFER for sale the following GERMAN LINEN: 12 boxes Listadoes 12 do Bonten No. 2 5 do Book Checks 17 do Brigtus 7 do Creas a la Morlaix 5 do Dowlis 2 do Estopillas. ddt May 30

Bank of Baltimore,

May 30th, 1867. The President and Directors have declared a Dividend of Thirteen Dollars and Fifty Cents on each Share of Stock for the last half year, and the same will be paid to the Stockholders or their representatives on or after Monday next the 1st June.

JAMES COX, Cashier. ddt May 30

Bonnet Boards, Sheathing, and LETTER PAPER.

60 gross Bonnet Paste Boards 100,000 Quills, assorted 4,000 wt Sheathing PAPER, 700 ream Letter PAPER. For sale by ANDERSON & JEFFERIS, 66, Market-street. ddt May 30

Baltimore Theatre.

MR. & MRS. MILLS'S BENEFIT. THIS EVENING, May 30, 1867, Will be presented, a Comedy, in 5 acts, called The Winner!

A WOMAN KEEPS A SECRET. After the Comedy, a Musical Interlude, in one act, called Thomas & Sally;

OR, THE SAILOR'S RETURN. After which, a Dwarf Dance, or whimsical transformation from a Dwarf of three to a Woman of six feet high, by Mr. Mills. To which will be added, a Musical Farce, in one act (never performed here) called Spanish Dollars;

OR, THE PRIEST OF THE PARISH. BOX One Dollar—PIT, Three-Fourths of a Dollar. The doors will be opened at six, and the performance commence at seven o'clock precisely. Tickets to be had, and places in the boxes to be taken of Mr. Evans, at the office in front of the Theatre, on days of non performance from ten till two, and on days of performance, from ten till 4 o'clock. Mr. and Mrs. WOODHAM'S Benefit will be on Monday. May 30

George W. Field,

No 157, BALTIMORE-STREET, Has for sale, by the Piece or Package, A Variety of Dry Goods,

Amongst which are: Ribbons, Modes, Satins, Perfum, Imperial Ludres, Florentines, Black and Fancy colored Silk Velvets, Silk and Cotton Hosiery, Silk Gloves, Fancy Gingham, Chambray Mullins, Calicoes, Tapes and Bobbins, Laces and Edgings, India Calicoes, Bengalls, India Book Mullins, Madras Handkerchief's French Cambrils, Drogheda Linens, White & Fancy Handkerchiefs, White & colored Cambric Mullins, Bombazines and Bombazines, Black, white & Fancy Silk Handkerchiefs, India & English Sewing Silks, Scarf Irish, London printed Marcellines, Jeans, Irish Diaper, Checks, Silk and Cotton Umbrellas, A few packages Irish Linens, &c. &c. May 30

Just receive

Per cbr. Perseverance, from St. Jago de Cuba 81 bbls. Brown Sugar, 6000 Green Coffee, 16 seroons Indigo, 50 do. Socos, 4 do. Sarsaparilla, 135 Hides, 150,000 Cigars in boxes and bbls. of a superior quality, for sale; apply to JOHN B. JAUFFRET, No. 42, North Gay-street. ddt April 28