

the precedent found in Tremaine, or Speake, who was indicted for furnishing provisions to the party of the duke of Monmouth, is indicted for furnishing provisions to those who were levying war, not for levying war herself. It may correctly be argued that had this act amounted to levying war, she would have been indicted for levying war, and the furnishing provisions would have been laid as the overt act. The court felt this when the precedent was produced. But the argument though strong is not conclusive, because in England the inquiry whether she had become a traitor by levying war, or by giving aid and comfort to those who were levying war, was unimportant, and because too it does not appear from the indictment that she was actually concerned in the rebellion, that she belonged to the rebel party, or was guilty of any thing further than a criminal speculation in selling them provisions.

It is not deemed necessary to trace the doctrine that in treason all are principals to its source. Its origin is most probably stated correctly by Judge Tucker, in a work, the merit of which is with pleasure acknowledged. But if a spurious doctrine has been introduced into the common law, and has for centuries been admitted as genuine, it would require great hardihood in a judge to reject it. Accordingly we find those of the English jurists who seem to disapprove the principle, declaring that it is now too firmly settled to be shaken.

It is unnecessary to trace this doctrine to its source for another reason. The terms of the constitution comprise no question respecting principal and accessory, so far as either may be truly and in fact said to levy war: whether in England a person would be indicted in express terms for levying war, or for aiding others in levying war, yet if the correct and legal language he can be said to have levied war, and if it has never been decided that the act would not amount to levying war, his case may, without violent construction be brought within the letter and the plain meaning of the constitution.

Inexpedient to trace the argument which has been advanced in felonies, as far as they are concerned, is not more conclusive. Murder is the single act of killing with malice aforethought. But war is a complex operation composed of many parts co-operating with each other. No one man or body of men can perform them all, if the war be of any continuance. Although then, in correct and legal language, he alone is said to have murdered another who has perpetrated the fact of killing, or has been present aiding that fact, it does not follow that he alone can have levied war who has borne arms. All those who perform the various and essential military parts of prosecuting the war, which must be assigned to different persons, may with correctness and accuracy be said to levy war.

Taking this view of the subject, it appears to the court that those who perform a part in the prosecution of the war may correctly be said to levy war and commit treason under the constitution. It will be observed, that this opinion does not extend to the case of a person who performs no act in the prosecution of the war, who counsels and advises it, or who, being engaged in the conspiracy, fails to perform his part. Whether such persons may be implicated by the doctrine, that whatever would make a man an accessary in felony makes him a principal in treason, or are excluded, because that doctrine is inapplicable to the U. States, the constitution having declared that treason shall consist only in levying war, and having made the proof of overt acts necessary to conviction, is a question of vast importance, which it would be proper for the supreme court to take a fit occasion to decide, but which an inferior tribunal would be unwilling to determine, unless the case before them should require it.

**American,**  
**AND**  
**Commercial Daily Advertiser.**  
SATURDAY, SEPTEMBER 12, 1867.

COMMUNICATION.  
The time is fast approaching when we are to make choice of our representatives in the legislature of this state. That we should be able to select the most worthy and the most patriotic, is obvious to the most superficial politician. I avail myself of the right, and propose Major JACOB SMALL and W. G. D. WORTHINGTON, Esq. to the consideration of my fellow-citizens as suitable characters.  
A VOTER.

**LATEST FROM EUROPE.**  
From a Boston paper.  
The affair of the Chesapeake had reached England, and excited a considerable degree of alarm. Some notice of it had been taken in the debates of Parliament, but as Mr. Moore had not received the official dispatches of his government on private letters, were pretty freely made,

verment, touching this subject, nothing could be determined on. Newspaper speculations, grounded on the dispatches from Ad. Berkeley, and in most instances, unfavorable to the justice of our cause. The language of the government, however, so far as it was understood, was respectful and pacific. The Courier, is among the most inveterate flatterers for the right of search in all cafes and for the omnipotence of the British navy. In some of the London papers, we notice the language of the National Intelligence relative to the attack of the Chesapeake, &c. to our relations, generally, with England. We shall hope to see the language of other papers, especially that of the Norfolk Ledger, also copied into the same papers.

**DEFENCE OF ENGLAND.**  
The British Parliament are warmly engaged in bringing forward some plans of national defence, more consonant to the spirit of the enemy which opposes that country, than their former in the militia or volunteer system. Mr. Lockhart, in the H. of C. July 27 speaking on the subject observes,—"It was only by adopting the vigorous system of the enemy to whom we were opposed, that we could be a match for him. It was stated in a late Bulletin, that the French soldiers laughed at the Coifficks for opposing them with arms. Would they not equally laugh at this country opposing them by measures less vigorous than their own? The people of England must, if it should be necessary, which he hoped it would not, be forced to defend themselves and their country; and he thought it impossible they could feel difficult at a measure necessary to the safety of their country. This was the moment to exert all our energies, for the preservation of every thing dear to us, against the vengeance and rapacity of an enemy, who if he thought conquer us would leave us nothing. He had told his army at Cim that he would wreak on this country 50 years of vengeance. He had not laid this with out meaning, but he spoke his words for it was just 50 years that this country had been the rival of France. He had spoken his words to the fall and the avarice of his flatters. He had not broken his word in any thing, but with the nations of the Continent, and it was to be hoped that he would break it with this country, if the performance ever came within his power. It was only by the vigorous exertion of our best energies, that our fate was to be secured; and it was better to bear a painful and temporary evil, than to utter and irretrievable ruin."

**AMERICAN AFFAIRS.**  
Our readers will glance with avidity on every article of our foreign department, which relates in any way to the affairs of this country. To the several matters which will be found in this place, we therefore add the following, from the Sun of July 30. "A considerable number of merchants engaged in trade to America, yesterday assembled at the London Tavern for the purpose of entering into a consideration of the probable effect which the late action between the American ship *Leopard*, and the *Chesapeake*, American frigate, may produce upon our mercantile trade with the United States. Mr. Sasson, the banker, who was called to the Chair, informed the company that he had been favored with an interview with the Secretary of State (Mr. Canning) on the subject of the late incident which had occurred in the meeting, and which was with much pleasure he said, that the honorable Secretary manifested a decided desire to preserve the most friendly relations between the two countries; but that as no authentic particulars had yet come to the cognizance of government respecting the late unfortunate transaction, it was impossible to enter into discussion as to its probable consequences. Mr. Sasson, however, had the satisfaction of adding, that in order to maintain a friendly disposition, Mr. Canning had already had an interview with Mr. Mason, the American minister, at which it was mutually agreed, that the conduct of either of the commanders should be tried and ceases, the other State in due receive all proper reparations from the other. This information was highly gratifying to the company, a draft of course have the same effect upon the public at large, who may be assured that ministers will neither compromise the honor of their country, nor give any sanction to a wanton attack upon any other state with which we are in amity."

"Amid the bustling scenes of life,  
He kept the noiseless tenor of his way."  
Died on the 8th instant, at a long and painful illness, borne with Christian fortitude and piety resignation, William Wat. Bourne, a worthy and respected member of the Society of Friends—equally esteemed for the modestness of his manners, the candor and integrity of his conversation and conduct, and the unaffected piety of his life. Though known to few, the remembrance of his sterling worth will long be cherished by his surviving relatives and friends. Under a well grounded assurance of an happy immortality, he calmly and without a struggle resigned his soul into the hands of God who gave it.

Departed this transitory scene at 10 o'clock, yesterday morning, Mr ISALAH P. PROCTOR, about 30 years of age. He has left a disconsolate widow and four small children to deplore the loss of an affectionate husband and parent: His death was occasioned by the accidental discharge of a pistol at halfcock, while in its holster. His sickness has been for two weeks and more, through the whole of which he has acted as becoming a Christian; being well assured of a happy change from this to the other. In his walk through life as a citizen he was generally esteemed. He has filled the office of a constable for several years in this city, with honor to himself and justice to the public. His friends are requested to attend his funeral from his late dwelling in Liberty street, Old Town, to-morrow morning at 10 o'clock.  
The Masonic fraternity are respectfully invited to attend the funeral of a deceased brother at the above time and place.

From Lloyd's List of July 21, received by the *Sally-Ann*.

Gravesend, 17th, arrived, John Jones, Tryon, Pensacola and Mobile; William and Mary, Clayton, New-York; *Jane, Copping*, Baltimore. 20th, Rodman, Wood, Virginia. Sailed, 19th, Charlotte, Miller, Charleston; George, Thompson, New-York; Planter, Moor, Virginia; Thomas, Bourk, d.t.o. Off Plymouth, 18th, arrived, Antelope, Bowen, Wilmington. Plymouth, 17th, arrived, Hero, Dougal Sicily; Recovery, Adams, do. Henry, Robinson, Maita. Sailed, Lord Hobart Packet, New-York. Bristol, 17th, arrived, Mary, Jones, Bath. Liverpool, 17th, arrived, Fortune, Hodgson, Qu. bec; Martha, Woodbridge, do. 18th, Esther, Jones, Quebec; Lilly, of the

Valley, Dove, do. Deal, 17th, arrived, Fairweather, Smart, Wilmington. Clyde, 15th, arrived, Paragon, Miller, New-York; Lavina, Sharp, do. Eliza, Jones, Charleston; Hazard, Grazier, Quebec; Hawk, M'Lea, Boston; Lucy and Elizabeth, Savannah; Northern Liberties, Charleston. Dublin, 16th, arrived, Brothers, Wood, Portland; William, Marshall, New York. Sailed, George, Baily, and Commerce, Stevens, Lisbon.—Galway, 11th, arrived, Sally, Williams, New York. Cork, 14 h, arrived, Syren, Snow, Teneriffe; Obadiah, St. Ubes; Remp, Chew, Virginia; James Cook, Cox, do. 16th, Fanny, Warner, Limerick. Londonderry, 15th, arrived, American, Briggs, New York.—Sailed, Charlotte, Marshal, Quebec.

From *Soud List*.  
Passed, June 4, Hunter, Saunders, of Boston, from Charleston, to the Baltic.—6th, Abeona, Shaw, from Copenhagen, to America; Mary, Corrington, of Plymouth, from Gottenburg for Petersburg. 14th, Grace, Linzee, from Lagona to Petersburg; Weymouth, Gardner, from Copenhagen to London. 18th, H. Nash, Roberts, of Newburyport, from Lisbon to Petersburg.

The preaching to the military will be on Sunday next at 11 o'clock, in the Woods, on this side of Mr. James Edwards', on the Turnpike Road.

**Sale by Auction.**

Is just landed and will be sold This Forenoon, Saturday, at 11 o'clock, on O'Donnell's wharf,  
113 tierces of very excellent Rice, in good order for shipping,  
41 hds. of good Trinidad Sugar, Entitled to D. ben-  
407 bags Coffee, } ture.  
16 barrels }  
24 bags Pimento, }  
Also,  
A few hds. of very good St. Croix Sugar,  
THOMAS CHASE Auct'r.  
september 12

**Sale by Auction.**

On MONDAY,  
The 14th inst. 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,**  
After which at 12 o'clock,  
The Cargo of the schooner Phoenix, as advertised.  
Also,  
38 hls. Muscovado Sugar, without reserve,  
52 chests excellent Hyson Tea,  
43 boxes of Sugar,  
25 pipes of Brandy,  
10 tons Rolled Iron  
And at private sale, on liberal terms,  
212 tierces }  
20 half tierces } of Fresh Rice.  
R. LEMON & CO. Auct'rs.  
september 12

**Sale by Auction.**

On MONDAY,  
The 14th of September, at 11 o'clock, on the premises, s. will be sold,  
That large SUGAR HOUSE, near the head of the Basin, with the utensils thereto belonging, complete; together with the stock remaining on hand, consisting of Loaf, Lump, Piece and Bastard Sugars, and a quantity of Molasses. The terms of sale, which will be liberal, and advantageous to the purchaser, will be made known at time of sale.  
VAN WYCK & DORSEY, Auct'rs.  
september 12

**Sale by Auction.**

The schooner Phoenix's CARGO not having been landed in time for Wednesday, the sale was postponed till Monday, the 14th instant, at 12 o'clock, when it will be sold at the auction room,  
Consisting of  
81 hds. of Martinique white and brown CLAYED SUGAR, of superior quality, and in fine shipping order,  
A few hds. and barrels of Muscovado do.  
and  
7 barrels of Green Coffee.  
R. LEMON & CO. Auct'rs.  
september 12

**Liste de Lettres Francaise a la Poste de Baltimore.**

A	Mons. Juda
Mlle. Artur	Mad. Johnston
B	L
Mons. Bioche	Mons. Lallemand
Sebastian Baratr	Mons. Beryard
Boisneuf Beryard	M
John Bardou	Mons. Moynet
Baconnais	Mad. Moutalliers, 2
Joseph Bonnet	Mr. Moneau
C	N
Mons. Courc	Mons. Louis Neboul
D	O
Mons. Nicolas Denin	Miss Eliza Oliver
Desvareux	P
Durand	Mons. Pascault
Mad. Richer Duveruic	Prudhomme
F	Md. Perrin
Mons. Joseph Joaquin	Mlle. Plater
de Fetris	R
Fleury	Mr. Raphael
Mad. Figuree	T. A. D. Douzier, 2
G	S
Mons. M. A. Gouvain	Mrs. Emily Rey
J. B. Guirain	Mons. Jacobi Smet
Gallau	T
Gulbert	Mons. Terreblanque
Jacob Guliard	V
Gunct Solange	Mons. John Vermont
september 12	d3:

**Notice.**

The subscriber being about to decline his present business, offers his stock now on hand for sale, for part cash and part credit, but a deduction will be made for all cash. Also, will rent the stand to the purchaser of the goods.—The stand is a good one for the Grocery Business. For further information apply at No. 7, Second street.  
JOHN D. ROBE.  
september 12

**Campbell P. White,**  
HAS FOR SALE,  
350 barrels RYE WHISKEY.  
september 12

**Ephraim Whitney & Fran-**  
gile Hopkinson, have entered into Co-partnership, under the firm of  
EPHRAIM WHITNEY & CO  
september 12

**St. Croix Sugars,**  
32 hds. of very prime quality, per the brig Orlando, capt. Barty, from St. Croix.  
Also in Store,  
300 hls. of 2d and 3d quality, which will be sold at a reduced price, and accommodating credit.  
Just received, 32 bags real Carracas Cocoa. The whole entitled to drawback; for sale by  
HUGH THOMPSON.  
september 12

**THE**  
**Baltimore Volunteer Guards,**  
Are requested to meet at Mr. Meyer's Tavern, this evening, (Saturday) at half past 7 o'clock, on business of importance.  
R. MACKUBIN, Sec'y.  
september 12

**BALTIMORE MECHANICAL VOLUNTEERS.**  
You are requested to meet on Sunday morning next at 9 o'clock, at lieutenant Stewart's in complete uniform with field arms, and proceed from thence to hear a discourse by the reverend John Chalmers.  
B. order.  
JOS. K. STAPLETON, Sec'y.  
Sept. 12

**UNITED BALTIMORE RANGERS.**  
You are ordered, to meet on the usual parade ground at 5 o'clock, P. M. on Monday the 14th instant, with arms. The roll will be called, fifteen minutes after five, and absentees fined.  
By order,  
WESLEY WOODS, Sec'y.  
Sept. 12

**BALTIMORE JUNIOR VOLUNTEERS.**  
You are requested to attend a meeting THIS EVENING, at Mr. John Wray's a half past seven o'clock, as business of importance will then be laid before you.  
You must be from 16 to 20 years of age who have not yet joined any Volunteer company and are desirous of joining this will please attend by order of the Captain.  
sept. 12

**State of Maryland,**  
Hartford County.  
My Wife Sarah McCandless, you will take notice that I intend to make application to the next Legislature, for an act of divorce, to release me from the bonds of matrimony  
JOHN McCANDLESS.  
september 12

**Louis Dubois,**  
PROFESSOR OF MUSIC,  
Wishing to fix himself in Baltimore, has the honor to acquaint his friends and the public in general, that he will give lessons of VOCAL MUSIC. Also, Spanish Guitar, Flute, Violin, and Clarinet.  
Those persons who will do him the honor to call on him, will be kind enough to apply at the printing office, No. 31, South Gay street.  
N. B. If in case he would not be at home, to leave their directions at the office.  
september 12

**EDUCATION.**

We the undersigned do certify, that having attended an examination of the pupils of Mr. Patrick Edwards, on the elements of the English Language, we were much satisfied with the plan he has adopted, which certainly tends to strengthen the memory, and to confirm them in a knowledge of the science.—What his scholars acquire they are made perfectly to understand, and their progress appears to be accelerated by the exercises in which they are daily engaged. His method of teaching to write is very judicious, and has been attended with remarkable success.  
WM DU BOURG.  
JOHN CRAWFORD.  
N. B. Mr. Edwards continues his school at his present place of residence, (McClelland's alley.)  
september 12

**EXHIBITION.**

**THE FAMOUS AFRICAN HORSE,**  
**SPOTTEE,**  
Has just arrived, who (from the progress he has made in arithmetic and the art of boxing,) may justly be entitled,  
*The Real Horse of Knowledge.*



He will be exhibited every day (Sundays excepted) at Mr Cook's Tavern, Market-space, Baltimore.  
This beautiful animal was caught on the Coast of Africa; and from the beauty and peculiarity of his colours and shape, was imported to this country, and exhibited as a natural curiosity. He is variegated with four very rich and distinct colours, which are formed into circular spots, similar to those of the Leopard, and his tail resembles that of the Elephant. Exclusive of these peculiarities, he will add, subtract, multiply and divide; tell the hour of the day by a watch; the number of buttons on a gentleman's coat, and the number of persons present; with many other pleasing manoeuvres and marks of sagacity, which excite great admiration.  
No danger need be apprehended during the performance, as the apartment is rendered very convenient.  
The Doors will be open from 8 until 12 o'clock in the morning, and from 3 until 6 in the afternoon.  
Price of admittance twenty-five cents only.—Children half price.—Tickets to be had in the bar room  
september 12

**Sale by Auction.**  
On THURSDAY.

The 17th instant, at half past 11 o'clock, at the ven due warehouse, at the corner of Second and Frederick streets, the following Valuable Lands will be sold on a credit.  
1 tract of LAND, containing 22 acres, about eight miles to the east of Baltimore, adjoining the Lan Os of Mr. Robert Walsh and Benjamin Buck, about one fourth may be converted into Meadow; having a stream of water running through it, and the remainder of the Land is suitable for Corn, Wheat, Ry., & Oats.  
65 acres of Land, adjoining those of Daniel Bowly, Esq. Mr. Israel Peirce, and Mr. Benjamin Gatch, about a quarter of a mile from the Belle Air Road, about 30 acres is suitable for Grass, and the residue for Corn, Wheat, &c. On this tract is a Dwelling House, Stable, Garden and Orchard, with a good collection of Fruit. This property has the advantage of a stream of water, that will admit of a good Mill Seat, having about 30 feet fall.  
One other tract, containing 50 acres, situated about 3 miles from the city of Baltimore, on the Belle Air road, near to Mr. Bowly's, on the premises is erected a small Frame Dwelling House, and about 5 acres cleared; the residence is well timbered, which is estimated to be worth Three Thousand Dollars—there are several fine Springs, which are situated so as to water the greatest part of the 50 acres.  
The title to each tract is good, and as the proprietor means to remove to the Western Country, great bargains may be expected.  
THOMAS CHASE, Auct'r.  
september 3

**Partnership Dissolved.**  
THE Partnership of MARTIN, YOUNG & CO. was dissolved on the 1st instant, by mutual consent. All persons indebted to said firm are requested to make immediate payment, and those having claims will bring in their accounts to JAMES MARTIN, Senr. who is authorized to settle the concern.  
JAMES MARTIN, Senr.  
JAMES YOUNG,  
JOHN B. MARTIN.  
The business in future will be conducted by JAMES MARTIN, Senr. No. 98, Dugan's wharf.  
august 11

**To Rent,**  
A two story Brick HOUSE, in South-street, No. 8, next door to Mrs. Yellott's. Possession may be had on the first day of July next.  
FOR SALE,  
80 hogsheads New-Orleans Sugar, a great part whereof is the first quality,  
60 ditto Gun. sloape brown Sugars,  
100 do. do. Clayed,  
70 bags best Green Coffee. For terms apply to  
THOS. & SAM. HOLLINGSWORTH.  
June 20

**Notice.**  
The partnership heretofore existing under the firm of Jacob and Wm. Norris, being dissolved by the decease of the former—all persons having claims against them, are desired to present them for settlement—and all those having accounts standing open on their books, are requested to make immediate payment to  
WILLIAM NORRIS, Junr.  
Who begs leave respectfully to inform the customers of the late concern, as well as the public generally, that the business will be carried on by him as heretofore, and assures them nothing shall be wanting to give every satisfaction in the grocery line, as he proposes keeping goods of the very best qualities, for the purpose of supplying private families, and at the lowest prices.  
september 5

**A Farm for Sale,**  
Twenty-Four miles from Baltimore by being in Baltimore county, near Mr. Johns Black Rock Mill, and 7 or 8 miles from the Gunpowder Friends' Meeting House; there is a county road near the dwelling house, and is a good stand for a tavern, a store or smith shop.—There are about 70 acres of cleared land and in good order; the remainder in thriving young timber: about 10 acres good bottom meadow set well in timothy, and 16 acres in clover.—The buildings are a dwelling house 20 by 30 feet, with 5 rooms, kitchen and cellar and porch in front; a barn 23 by 64 feet; milk and smoke house, all of heavy logs and covered with cedar shingles. The land is as well watered as any in the county. Possession can be had immediately. For terms apply to  
THOMAS DONOVAN,  
No. 40, High-street, Old-Town, Baltimore,  
February 25

**REMOVAL.**  
*Burnett's Tavern and Oyster House.*  
EVER grateful for past favors, the subscriber takes this opportunity of rendering his thanks to his friends and customers in particular, and the public in general, and begs leave to inform them, he has taken a large house in Fell's street, next but one to do. J. Allender's, the situation of which he hopes will be agreeable to his patrons, as no exertions on his part shall be wanting to accommodate those who may favor him with their custom.  
The public's humble servant,  
C. BURNETT.  
N. B. Offers by the quart and in the shell. Likewise dressed and sent from the house on any part of the Point.  
september 7

**Von Kapff & Brune**  
Have just received and offer for sale,  
8 bales light Holland Sail Cloth,  
2 boxes Tapes and Bobbins,  
635 boxes Havana Sugar,  
126 hds. Muscovado Sugar.  
On hand,  
42 bales Cotton, 12 tierces Rice,  
About 40,000 wt. Coffee,  
60 boxes Segars,  
A few tons of Fustic,  
A small quantity of Indian Corn,  
40 pipes Holland Gin,  
50 casks Dutch Beer,  
Gin Cases, half pint Tumblers, Negro Pipes,  
Black Lead Crucibles, Madder, Serris and Fishing Twine, and Brass Kettles.  
An assortment of GERMAN LINENS, Among which are,  
11 bales Hussians & Twile, Bagging, &c. &c.  
About 2000 Markets with Buttons, &c. complete.  
august 7

**Rolling and Slitting Mill.**  
The subscribers are now ready to supply orders for Hot Iron and Nail Bars, &c. &c. at the lowest prices, and in the best manner, and at very short notice.  
ANDREW & THOS. ELICOTT,  
may 14