American,

Commercial Daily Advertiser.

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Baily-Paper 87 and Country Paper 25 per and Ali - ivertisements appear in bell Papers . THURSDAY, SEPTEMBER 17, 1807.

Sale by Auction. THIS DAY,

The 17th instant, at half past 11 o'clock, at the vendue warehouse, at the corner of Second and Frederick-Streets, the following Valuable Lands will be sold on a liberal cre-

1 tract of LAND, containing 52 acres, about eight miles to the east of Baltimore, sadjoining the Lands of Mr. Robert Welsh and Benjamin Buck, about one fourth may be con-"verted into Meadow; having a stream of wa-Ter running through it, and the remainder of the Land is suitable for Corn, Wheat, Rye, &

65 acres of Land, adjoining those of Daniel Bowly, Esq. Mr. Israel Peirce, und 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. Qu'this tract is a Dwelling House, Stable. Garden and Orchard, with a good collection of ruit. 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, the sining 50 arres, situsted 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 climse, and count 5 acres cleated; the residence is well timpered, which is esti muted to be worth Tires Thousan i Daliarsthere are several fine Springs, which are situated so as to water the greatest part of the 50

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.

Sale by Auction,

By Cole & I. Bonfal, Auct'rs. Will be offered for side jas per order of the Oiphan's Court) on FRIDAY, the 18th instent, at 10 c'eluck, A. M. at the late dwelling house of Mr Casper Smith, Baker, deceased, Light strict, opposite Ai Fitch's

A variety of Mahingany, Household and Kitchen Furniture and Balling Utensils,

Dining and Breakfast Tables, Desk ami Burraus, Eight day Clock, Franklin Stove, Chans, Mahagany and others. Several Six piace Stoves, &c. september 15.

Sale op Aucuon.

On SATURDAY NEXT, The Toth it Lant, at .. o'clock in the afternoon.

will be fold, . A LOT of GLOUND, nearly opposite the French Seminary, fronting on the Tumpike Road-40 feet, and running back 100 feet; on the front of faid Lot is creded a well tinifical two llow Plane Houle, and blackimith Shop. hard Frame House, late the property of Andrew Leary. Partiquiars made known on the premi-

> VAN WYCK & DORSEY, Aust'rs. feptemben 16

The subscriber offers for

THE FOLLOWING PRINTING MATERIALS: Printing Prets,

One fount of Great Primer, not half wern, pretty weighty. One do. of Double Pica.

One do French Cannon. One do. Nine Line Pica.

Together with cases, flands, composing flicks, miles, galleys, &c. &c. Being a portion of the materials which termed his late country Printing-Office, and for which he has no ute The whole may be had a bargain for cail,

pron a thort credit for good paper. J. B. COLVIN.

Sept 11. Wanted to l'urchaie,

-A parcel of TORTOISE SHELL, and IVORY. Inquire at JOHN P. SPIES's Comb Manufactory, Brandy aliey, opposite Otterbein's Church

sent imber 16 145 boxes White Cod-Fish, Otz superior quality, just received per schr. Blero, captain Baker, trom Boston, and for sale by.

BUFFUM & GOODHUE, No 84, Bowly's wharf. Sept 15.

As the subscriber intends going to Ireland, he will dispose of the Farm the now lives on, if applied for before the first day of March mext, containing 263 acres, 10 mulos from Bestimore, on the old Harford rost, adjoining the great Gunpowder Fall's, pear Gromwell's Bridges the cleared part is laid off in 9. Fields, containing 10 acres each, sercheed with post spring fence, and a spring in cach i the remaining 175 is in heavy Timthat would produce upwards of 10,000 poruls of Wood; the Dwelling House, Barn, Stables, Cow House and Smook House are in peary respect complete , there is armost excel. Tentspring near the house, and a very commo. ellow spring bouse, large enough to contain thought of 20 cows; there is an extensive Distillers, with a stills set up on a very eligi ble plan, well situated for wood and water. there being 100 acros of wood land enclosed trained it, well calculated for raising and fatstemme Hogs, there are two valuable Orchards, will LOD Apple and Peach Trees each, all of the best grafted truit.

For terms apply to the subscriber living on Lhapremises,

ROBT. MAXWELL. The firming utensils and stock would be sold with the place, and 4 negroes, if wanted, phe busie negroes is an excellent distiller, so-

The winter in York, Pennsylvania, and the editor of the Lancaster Journal, are rediested to insert the above to the amount of two dollars, and forward their charges to AV.

Pechin for payment.
Stytember 15

FOREIGN NEWS,

Selected from Greenock Papers to the .13th ultimo, and London to the 3th inclusive; received by the ship George, Capt. Taylor, 28 days from Greenock, and the Robert Burns, Waite, 32 days from Liverpool.

EIGHTY SEVENTH BULLETIN OF THE FRENCH GRAND ARMY.

Konigsberg, July 12. "The Emperors of Fra ce and Russia, after 20 days residence at Tilsit, where the Imperial Palaces were in the same street, and at no great distance, took leave of each other with the greatest cordiality, at 3 o'clock in the afternoon of the 9th. The Journal which contains an account of what passed between them, will be very interesting to both nations.

At half past 4, the emperor Napoleon, having received a visit from the king of Prussia, who came to take his leave, set out for Konigsberg, where he arrived at 10 at night. The king of Prussia went to Memel.

"Yesterday the emperor Napoleon inspected the port of Konigsberg, in a boat manned by the imperial guard. To day his majesty will review m. "shal Souli's corps, a d at 2 o'clock to-morrow, he will set out for Dresden.

"The number of Russians killed in the battle of Friedland, amounts to 17,500; the prisoners to 40,000, 18,000 of whom have aircidy passed through Konigsberg, 7.000 remain ack in the nospitals, & the rest have been conducted to thern and Warsaw. Orders have been issued to send them home to Russia without delay; 7,000 have already recurred again to Konigsberg. Those in France and o be formed into provisional regiments. The emperor has ordered them to be clothed aid armid.

"The ratifications of the treaty of peace between France and Russia, were exchangod at Tilsit on the 9th. The ratificaions of the treaty of peace between France and Prussia, will be exchanged here this day.

" The plenipotentiaries charged with these negociations were, on the part of France, the prince of Benevento. Pinaces Kurakin and Lubanoff, on the part of Russia; and on the part of Prussia, field marshal count Kalkreuth, and the count de Goltz.

" After such events as these, one cannot but smile when the great British enpedition is m mioned, and at the new phrenzy which animates the king of Sweden. Besides we may temark, that the army of observation, between the hime & the Oder, is 70.000 strong, enclusive of confined arcterence to the cale stem, and | 10 Bur to have outer for m lerying an the grand army, without including the Spanish divisions, which are now on the Oder also. It was, therefore, necessary for Britain to have brought her whole force together, her soldiers, her volunteers, her fencibles, &c. in order to have made'a diversion of any interest. But when we take in our account, that England, under the present circumstances, has sent 6000 men to Lgypt only to be slaughtered by the Arabi ha, and Tobo men to the Spanish West-Indies, we can alone feel senuments of pity for the estravagant avarice with which the cabinet is tormented.

"The peace of Tileit put an end to the operations of the army; notwithstanding this, ali the Prussian coasts & ports will be shut against the British; and it is protable that the continen ai brockade will not prove a mere sound.

"The Porte is included in the treaty. The revolution which latery occurred at Constantinople, was an anti-christian revolution, which has nothing in common with the policy of Europe.

" The adjutant-commandant Guillemi. not is gone to Bessarabia, where he will communicate to the grand vizier the intelligence of the peace, and the liberty given to the Porte to take part in it, as well as of the conditions of the treaty in which the Porte is interested."

TRIAL OF AARON BURR, (Continued by adjournment, and held at the capitol, in the hall in the honle of delegates) for High Treason against the United States. OPINION

Of the court on a motion to arrest the evidence -delivered on 31ft August.

[Continued.] Judge Patterson, in his opinions delivered in two different cases, seems not to differ from Judge Iredell. He does not, indeed, precisely state the employment of force as necessary to conslitute a levying war, but in giving his opinion in cases in which force was actually employed, he considers the crime in one case as dependent on the intention, and in the other design," (that is combining actual force with treasonable design) " the crime is high trea-

Judge Peters has also indicated the opinion! that force was necessary to constitute the crime of levying war.

Judge Chase has been particularly clear and explicit. In an opinion which he appears to i natural, certainly not a strained explanation of have prepared on great consideration, he fays, I the wards, derives fome additional aid from the "The court are of opinion, that if a body of | terms in which the paragraph last quoted compeople conspire and meditate an insurrection to resift or oppose the execution of a statute of the United States by force, that they are only guilty of a high mildemeanor; but if they, proceed to karry such intention into execution by force, that they are guil y of the treation of levying war; and the quantum of the force employed neither increales nor diminishes the crime-whether by one hundred or one thou- aims-that the individuals who composed it had fand persons, is wholly impraterial.

The court are of opinion, that a combi nation or conspiracy to levy war against the United States, is not freason unless combined with an attempt to carry such combination or violence must be used in pursuance of such design to levy wary but that it is altogether immaterial whether the force afed be sufficient to

e.Teftuate the object. Any force connected with the intention will conflicute the crime of levy-

ing of war." In various parts of the opinion delivered by judge Chale, in the cale of Fries, the same sentiments are to be found. It is to be observed, that these judges are not content that troops thould be affembled in a condition to employ force. According to then: some degree of force must have been actually employed.

The judges of the United States, then, fo far as their opinions have been quoted, ferm to have required Hill more to conflitute the fact of levying war, than has been required by the English books. Our judges feem to have required the actual exercise of force, the actual emproyment of some digree of violence. This however may be, and probably is, because in the cates in which their opinions were given, the design not having been to overturn the government, but to resilt the execution of a law, fuch an allemblage would be I fficient for the purpole as to require the actual employment of force to render the object unequivocal.

But it is said all these authorities have been overruled by the decision of the supreme court in the cafe of the United S. against Swartwout and Bollman.

If the supreme court have extended the doctrine of treaton, further than it has heretofore been carried by the judges of England, or of this country, their decision would be fubmitted to. At least this court could go no further than to endeavoragain to bring the point direfly before them. It would however be expested that an opinion which is to overrule all former precedents, and to establish a principle never before recognized, should be expressed in plain and explicit terms. A me e implication ought not to profitzie a principle which frems to e so well established. Had the intention been entertained to make so material a change in this respect, the court ought to have expretsly declared, that any assemblage of me., what ever, who had form d a treatonable design, whether in force, or not, whether in a conditi on to attempt the design or not, whether attended with warlike appearances or not, coulti tutes the fielt of exping war Tet no declaration to this amount is made. Not an express mut the kind is to be in at in the openion of the supreme court. To be to a more which this argument refls is the orange n or the court to flate, that the assert age winch conditines the the of levying was to a to be in force, and some passages, which their that the quefti in resecting the nature of the assemblage, was not in the mind of the court when the opinion visidrason, where properties are ministed with others, which at it's a new that there was no intention to dignition that car less the pirecellars in east of treation of the range war.

cate in which is mare of Anterest. In the case of 1 the United States against Romann and Swartwout, there was no eville e that even two ! med had ever out for the purpose of execution ! the pian, in which the le perions were charge is with having partners od. It was there is i suil cient for the count to low that unless than were a sembled war order bothe leaded. The t cafe has decided by this necligation. The Court might indeed have a fined the species of e resemblace which word amount to be and or ! the mete on should liste that a particular cul-Chieffand was necessary to the confunction er the er me on jer or a be confirmed into a declaration that the electionitance was unno-I runt. Central etque sions ought vot to be constant as ever ding fettled principles without a direct occurra ion to that ellect. After mese productions colervations the court will proceed to examine the opinion which his occasional then.

I very emmor, to we concern understand

completed by the steel to be a view to the

The toll exolitera in bearing on the prefent queil rieb " lo builtue that pec no come for which the index in the court has because of a continue of acost, levieu 25 tint to the expense inducer thegitious not in the fubrent by interior and a secondary, such con timacy is a trained in To compre to any war her in the annual of war, are minuted tendes. The farmen we brought the operation or the assemblege of mention a purpose treater in the it, or the fact of levying war car not have blen con mitted "

Airmor hair is a captessly flared that the assemble e of men tor the purpose of carrying into of tration the treatments e ment which will smount to levy in , mar, must be an assemblage ! in torce, yet it it tainly to be inferred from the context, and withing like dilpe sing with force appears in this para raph. The expressions aie, " To comitina e die crime, war muli be actually levied " A conspiracy to levy war is thoken of as " a confirmely to tubert by force the government of our country." Speak. ing in general terms of an a tenthiage of men for this or for any other purpose, a person would naturally be understood as speaking of an as semblage in some degree adapteri to the pulpole. An assemblage to fail vert by force the gov inment of our country, and amounting to a levying of war, flould be an assemblage in force.

In a subsequent parsgraph the court rays, " It is not the intention of the court to fay that no individual can be guilty of this crime who has not appeared in arms against his country On the contrary, if war be actually levied, that is, if a body of men be actually assembled in order to effect by force a treasonable purpose, all hole who perto m any part, he wever minute, &c and who are actually leagued in the general conspiracy, are trai o s. But there must be an actual assembling of men fir the treatonable purpose, to constitute a levying of war."

The observations made on the preceding paragraph apply to this. "A body of den actually assemb ed, in order to ellect by force a treaionable purpote," mult be a body assembled case he says, " combining these facts and this, with such an appearance of force as would warrant the opinion that they were assembled for the particular pur, ole, an assemblage to con stitute an actual levying of war, would be an assemblage with fuch an appearance of force as would justify the opinion that they met for the

This explanation, which is believed to be the mences. " It is not the intention of the court to fay that no individual can be guilty of treafon who has not appeared in arms against his country." The words feem to obviate an interence which might otherwise have been drawn from the preceding paragraph. They indicate that in the mind of the court the affemblage flated in that paragraph was an assemblage in appeared in arms against this country. That 18, in other words, that the allemblage was a militaty, a warlike assemblage.

The succeeding paragraph in the opinion relates to a conspiracy, and serves to shew that conspiracy into execution, some actual force or I force and violence were in the mind of the court, and that there was no idea of extending thu crime of treason by construction beyond the con-Autonal definition which had been given of occasion more anguish than to the

Returning to the case actually before the court, it is faid " a definite overturn the go verument of the United States of America in New-Orleans by force, would have been unquestionably a delign which if carried into execution swould have been treaton, and the ass, mbiage of a body of men for the purpote of carrying it into execution would amount to levying of war against the U. S."

Now what could reasonably be said to be an affemblage of a body of men for the purpole of overturning the government of the U. States in New-Orleans by force? Certaining an affemblage in force; an affemblage prepared and intending toact with force; a military affemblage. The decitions therefore made by the judges of the U States, are then declared to be in conformity with the principles laid down by the fupreme court. Is this declaration compatione with the idea of departing from the acopmions on a point within the contempiators of the court? The opinions of Judg: Patterion and Judge Iredell are faid to imply an actual affemblage of men though they rather designed to remark on the purpole to want the force was to be applied tiven on the nature of the force ittell" This oblevation certainly indicates that the mecellity of an affemblag, of men was the particular point the court meant to chablith, and that the idea of torce was never separated from this assemblage.

The opinion of Judge Chale is next quoted with approbation. This opinion in terms re-

quires the employment of force After finting the vermal communications faid to have been made by Mr. Swartwout to ge i. Wilkinson, the court fays " if thefe words import that the government of N. Orleans was to be revolutionized by force, although includy as a step to or a mean of exciting fo as greater projects, the delign was unquedionably neal onable, and any attemblage of men for that purpose would amount to a levying of war."

The word, " any ademblage of mea" if confline i to affirm that any two or three of the conf, irators who might be found toger er arter this plan it id be to formed, works be the act of levying war, would cortainly be mile inflrued. The tente of the expressions; " any anenmage o. m. n. s reffrici d by the words "to. tal., purpole" Now could it be in the concern; a con of the court that a body of men would afte a de for the purpose of reviews war in a William, i by force, who thould not theathly, as in

Atter noticing for a difference of against in and a the judges respecting the import of the words fain to have been thet by Mr. Swartwout the cour in conditto obtain a " But whether the treat have contain be willy in puted to the plan or no., jois administration muß have bein carried into execution by an open até muiege la taux parpole, preside so the arreft of the priferer, in orderto contaminate the crime as to him."

Could the neurt cave conceived "an open all salableger or for hapring to of overstanding the jour traction N. Chicard by force" to be e e equal ato a letter funtire allembiage without the a produce of faice? Alter garden garden and each Mr. Swiftwort. from the animal in American a flatest case Mr. Dear was love to a same your property, and e terre print treat in the conferred transcript works would depend on the recommon with was, but as the operate was not a trade out to a child was him as I as distribute progress visites titulon, but 3 december of a particular calle, house or the increasing of the court fay a the expressions of a decisiful import thought or I commission, a action to a evidence proves army ability to have aftern led them."

Amally to affect the an army of 7 occ men is imquetti da'n roj britiolowne are faailenbied in a flat, of open force.

But as the mode of expression nied in this paifage might be milcontrued to far as to countenance the opinion that it would be necessary to affemble the whose army in order to conflicute the fast of leaging war, the cour practicals to lay " It is argued that times it cannot be necessary that the whole 7,000 men mould be affembled. their commence of their march of detachinguis to the place of ren trave a muit de lufficient to confinite the rime."

. This polition is correct with lome qualification. It came the necessary that the whole army fhould attem, le, and the various parts which are to compose is thoused navescombined. But it is necessary there thousin be an actual ath mistage : d't erefore this evidence mould make the fact unequivoca).

"The travelling of individuals to the piace of undezvous, would perhaps not be sufficient. This would be an equivocal ach, and has no warlike appearance. The meeting of particular bodies of men, and their marching from places of partial to a place of general rendezvous weuld be such an afsemblage."

(To be continued)

NORFOLK, Sept. 11. The CHESAPEARE Frigate returned yesterday afternoon to her former flation, near Cra-

nev Island. Died, This day, Thomas Newton, Se-NIOR, ESQUIRE, Collector of this port, an antient and respeciable citizen of this Borough. For upwards of forty years patt, he had filled various publick employments, the cuties of which he dischaiged with the firitett hone ur and integrity.

American,

Commercial Daily Advertiser.

THURSDAY, SEPTEMBER 17, 1807.

On the evening of Tuesday last, a most unfortunate accident terminated the life of a very respectable mercantile character of this city.

Two gentlemen accompanied a friend to his residence in the country, a short distance from town, to dine with him. After dinner they amused themselves at quoits for some time, when it was proposed to shoot at a target with pistols.— A mark was set up against a tree, and several shots were fired; when, as one of the party was taking his stand at the tree where they fired from, two of the. gentlemen were looking on from a position considerably to the right, and apparently out of the way of all harm; the gentleman about to take aim at the mark, from the inequality of the ground lost his equilibrium, in attempting to recover which his pistol swung over his right. arm, and being a hair trigger and cock. ed, went off, the ball going entirely thro' the head of the deceased. He expired shortly afterwards; and his remains were yesterday interred with due solemnity. An accident more afflicting to all the acquaintance of the deceased, cannot be well conceived, and to, no one can it!

tleman in whose hand the pistol inhotently was when it exploded, particularly as they were in the habit of social intercourse.

FOR THE AMERICAN.

So momentous an epoch has not occurred to thes states as the present, since we have adopted a constitution. Let us turn our eyes to what quarter of Europe we may, our foreign relations are of the last importance. Our accumulated insuits and injuries, demand from England the most unequivocal redress; at present we are uncertain that reparation will be allorue i, in which case, I trust there is no American who would besitate what course to pursue. The all important question, the right of search, being urgea now, to the last extremity, provided even every other grievance should be atoned for, will be necessary to consider. From the aspect of affairs on the continent, it is scarcely to be doubted that such measures will be entered into for securing the freedom of the scar, as will leave us no choice in the above question. True, those important subjects more directly appertain to the deliberations of our congress, but surely they powerfully bear on the duties of our state legislature, and it is strikingly evident that our own city, in these emergencies, is the vitals of the state.

Then, sir, was there ever a time when the constitution should be so religiously adhered to? "The voters shall elect the mon wice, sensible and discreet of the ficefue." Let me ask, is one present delegation a fundiment of our constitution? No man esteems the integrity of one of our candidates more than myself and sine I am, his ho est candor will induce him at once o sinting from the intricate and difficult duties of the ensuing session. As to mis office, he having been elected in a france, I thust his constituents at this eventful crisis, a emot disp sed to continue the jest.

If it ever mas heressary, it is certainly nost evident that now our delegates should have the constitutional requisites of sound error, consum and are ausdon and judicious d'acre on Have we such men among us? Will they serve us? We surely have those men, and assurely nothing but importants accessity could be by them placed at this fracture. I could bam, meny, led too scall suffic -Mr. JOHN PATTER: ON. Though from his reticing moderity, this gentl man is not generally known, his few intimates well know his wisdom much exceeds his years, and mat he is endowed with these clevated tal nts which have enabied him will to profit from his extensive tour and important merca tile relations. His political principles are purely republican, liberal and en ightened. The other gen leman I would nominate is J. HIN PURVIANCE, Esq. He has by his enlightened services in his profession, rendered it quite useless to comment. Under the most impressive conviction that our political honor, and vastly important mercantile interests would be most securely entrusted to those gentlemen, let me entreat my fellow-citizens to consider well and act promptly—we have not twenty days to deliberate.

A CITIZEN. BRIGADE ORDERS.

IT is represented that the volunteers are in the practice of firing off their muskets in the streets, after being dismissed by their officers from parade.

As this practice is an annoyance to the citizens, is contrary to the laws of the corporation, and besides, very unsol. dierly, it is confidently hoped that the practice will cesse with the present no-

By order of the Brigadier, JAMES CALHOUN, Jun. Brigade major.

September 16.

The remains of the late George Salmon, Esq. were, on the evening of Monday last, interred in the wea burial ground of the First Presbyterian Church, in presence of a very numerous concourle of his friends and fellow ci-

Seldom is it that society, civil or religious, fustains so heavy a loss, or the domestic circle; so painful a bereavement, as has occurred in the decease of this most estimable man. The abundance of his virtues renders it disticult to do justice to his character; but one who knew him well, who loved him living, and venerates his memory, cannot deny himself the tender gratification of bearing this brief and feeble testimony to his worth.

The selicities of this life, of which he had an ample thare, instead of interfering with the claims of heaven, as they too often do, exalted his soul in pure and unaffected devotion to the Father of lights, -the giver of every good and every perfect gift. His religion was of the modest and unob rusive kind, although he never fhrank from the acknowledgment of its obline. gations. His attainments in this respect were great, yet were they ever accompanied by an exemplary humility. His, dependence was on the grace of God and the merits of his Redeem-

The morality of Mr. Salmon was at once invigorated and charafterized by his religion. The same singleness of heart-the same meekness of temper, were conspicuous in both. Walking humbly with his God, he did jully and loved mercy in his relations with mankind. Righteousnels predominated in his pecuniary tranfactions, and yet left room for a generosity at diffusive as ever opened the lieast-or hand of

In his charities he was indefatigable. No importunities cauld weary him when want befought biggelief. No company could detain him from the fammons of poverty and helpleffnels. And here the dillinguished feature of