

American,  
AND  
Commercial Daily Advertiser.

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31, South Gay-Street.  
[Printer of the Laws of the Union.]

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All advertisements appear in both Papers

FRIDAY, SEPTEMBER 18, 1807.

For Amsterdam,  
The Ship  
R I T S O N,  
Capt. Brown :  
Having one half of her cargo  
now on board, may be dispatched in a few days.  
For freight apply to

JAMES BIAYS, or  
CHARLES B. YOUNG, Broker,  
20, Commerce street.

September 16

Wanted to Purchase,  
A parcel of TORTOISE SHELL, and  
IVORY. Inquire at JOHN P. SPIES's Comb  
Manufactury, Brandy Alley, opposite Utterlein's  
Church

September 16

145 boxes White Cod-Fish,  
Of a superior quality, just received per schr.  
Hero, captain Baker, from Boston, and for  
sale by

BUFFUM & GOODHUE,

No. 84, Bowley's wharf.

Sept 15

Broke loose from the sub-  
scriber about the 8th of this month, in  
the Chesapeake Bay, above Kent Island, THREE  
MASTS, of or near the following descrip-  
tions:

One of 75 feet, by 20 inches,  
One of 73 feet, by 18 inches,  
One of 55 feet, by 18 inches.

Any person taking up the above snares, and  
bringing to Baltimore and delivering them to me, or James Cordery, shall be paid for their  
trouble. All persons are forewarned purchasing  
the above spars.

MATTHIAS WINGET.

September 17

d4\*

Notice.

The Copartnership of HANCK & NORRIS, was dissolved the 1st inst. by mutual consent; all persons having claims against the said firm will please present them for settlement—and those indebted, are particularly requested to make immediate payment to either of the subscribers.

THOMAS HANCK,  
RICHARD NORRIS.

September 15

d4\*

Baltimore County, to wit:

I hereby certify that Jonathan Askew, of said county, brought before me, the subscriber, a justice of the peace for the county aforesaid, as a stray trespassing on E. Rutter's farm, a bright bay COLDING, about fifteen hands high, black face, with two white feet, black mane and tail, trists, and appears to have been worked in gears. Given under my hand this 13th day of September, 1807.

EDWARD WOODYER.

The owner is requested to come forward, prove property, pay charges and take him away.

JONATHAN ASKEW,  
On the farm of Elizabeth Rutter, Mount  
Royal, near Jones's Falls.

September 17

d4\*

As the subscriber is going to Ireland, he will dispose of the Farm he now lives on, if applied for before the first day of March next, containing 263 acres, 1/2 miles from Baltimore, on the old Harford road, adjoining the great Gunpowder Falls, near Crookwell's Bridge; the cleared part is laid off in 9 fields, containing 10 acres each, enclosed with post and rail fence, and a spring in each; the remaining 175 is in heavy Timber, that would produce upwards of 10,000 cords of Wood; the Dwelling House, Barn, Stables, Cow House and Smoak House are in every respect complete; there is a most excellent spring near the house, and a very commodious spring house, large enough to contain the milk of 29 cows; there is an extensive Distillery, with 4 stills set up on a very eligible plan, well situated for wood and water, there being 100 acres of wood land enclosed round it, well calculated for raising and fattening Hogs; there are two valuable Orchards, with 600 Apple and Peach Trees each, all of the best graded fruit.

For terms apply to the subscriber living on the premises.

ROBT. MAXWELL.

The farming utensils and stock would be sold with the place, and 4 negroes, if wanted, one of the negroes is an excellent distiller, sober and honest.

The printer in York, Pennsylvania, and the editor of the Lancaster Journal, are requested to insert the above to the amount of two dollars, and forward their charges to W. Petchin for payment.

September 15

d4\*

EXHIBITION.

To be given at Mr. N. Hussey's, No. 7, Howard street, from 8 o'clock in the morning, until sunset.

Two Royal Tigers,  
MALE & FEMALE.

THESE curious animals lately imported from Burat, (in Asia) are the first ever received any part of this continent. On their arrival they were not a year old. They are nine feet in length and three feet in height. Their crowns designate them as royal, and peculiar to Asia. When full grown, their bulk is tremendous, much superior in size to a Lion, and of prodigious strength. Their color is a bright yellow, beautifully marked with long stripes of black, which run the same direction as their ribs with others across their thighs. The Tigers in Asia are the scourge of that country; insidious, blood-thirsty, and malevolent, preferring human flesh for their sustenance to that of wild beasts. They lurk among the bushes, and bound on their prey; if they ascend and are undisturbed, they plunge their heads into the bodies of the animals, up to their eyes, as if it were to satiate themselves with blood, before they tear them to pieces. It attacks the Lion or Elephant, and is truly said to be the most powerful animal in the world.

The Ladies and Gentlemen of this town and vicinity, are respectively invited to lose no time in viewing these extraordinary animals, as there never was, and probably never will be exhibited animals, so worthy of their attention.

As the trouble and expense of these animals is enormous, it is impossible the keeper can carry longer in a place than while meets with encouragement; he therefore solicits their speedy alfection.

N. B. The cage in which the Tigers are confined is very strong, so that no danger may be apprehended from them.

Attnance, 25 cents for grown persons

Children half price.

September 17

d4\*

Sale by Auction.

Just received per the Fame, from Liverpool, and will be sold at the auction room at the head of Gay street dock, on MONDAY, the 21st inst. for approved, endorsed negotiable notes, at 4 months.

20 bales of WOOLLENS,  
assorted.

R. LEMMON & CO. Auct'res.

September 16

d4\*

TRIAL OF AARON BURR,  
(Continued, by adjournment, and held at the  
capitol, in the hall in the house of delegates.)  
FOR HIGH TREASON AGAINST THE UNITED STATES.

\* \* \* \* \* OPINION

Of the court on a motion to arrest the evidence

delivered on 3d. Augt.

[Continued.]

The position here stated by the counsel for the prosecution is, "that the army commencing its march by detachments to the place of rendezvous (that is of the army) must be sufficient to constitute the crime."

This position is no doubt by the court to be universally correct. It is said to be "correct with some qualification." What is that qualification?

"The traveling of individuals to the place of rendezvous," (and by this term is not to be understood one individual by himself, but several individuals either separately or together, but not in a military form) "would perhaps not be sufficient." Why not sufficient? Because, says the court, "This would be an equivocal act and has no warlike appearance." The act then should be unequivocal, and should have a warlike appearance. It must exhibit in the words of Mr. Mathew Hale, *opera bona*, the appearance of war. This combination is rendered in some measure necessary when we observe that the court is qualifying the position, "That the army, commencing its march by detachments to the place of rendezvous must be sufficient to constitute the crime." In qualifying this position they say, "The travelling of individuals would perhaps not be sufficient." Now, a solitary individual, travelling to any point, with any intent, could not, without a total disregard of language, be termed a marching, or a detour. The court, therefore, must have contemplated several individuals travelling together; and the words being used in reference to the position they were intended to qualify, would seem to indicate the distinction between the appearance attending the usual movement of minor civil processes, and that military movement which might in correct language be denominated marching by detachments."

The court then proceeded to say, "The meeting of particular bodies of men, and their marching from places of partial to a place of general rendezvous, would be such an assembly."

It is obvious from the context, that the court must have intended to rate a case which would in itself be unequivocal, because it would have a warlike appearance. The case itself, is that of cutting bodies of men, assembled at different places and times, at different places of partial to a place of general rendezvous. When this is done, an army is produced which would in itself be unequivocal. But what is it done? As the assembly formed at the different bodies of partial at a place of general rendezvous, it is evident to conceive the assembling, the civil term "travel," is employed, and the military term "marching" is employed. If this was intended, it would be an assembly which would not be a general rendezvous. In expounding that opinion the whole should be taken together, and in reference to the particular case in which it was delivered. It is however impossible that the understanding has differed from this circumstance. The court on a general question of levying war, as an arm of the law, is intended to be a means to be adapted to the object in hand, in order to effect, or to attempt it upon them. Nor did the court consider the actual application of the law to the object as at all, in an equivocal sense, for an assembly, though in a condition to apply force, might be in a state of rest, without having made the actual application of that force. From these positions, which are to be found in the opinion, it may have been inferred, it is thought, that the future of the assembly was unimportant, and that the warlike consequences of an assembly never could be inferred by any meeting of men, or a criminal intent in creating a position to them by testimony of any kind whatever.

(To be continued.)

It requires no commentary upon these words to show, that in the opinion of the judge who uttered them, an army, or men which would constitute in fact of levying war, must be an assembly in force, and that we understand the opinion of the supreme court. In in that opinion, there may be found in some passages, a want of precision, an indistinctness of expression, which has occasioned it to be differently understood by different persons, that may well be accounted for when it is recollect that in the particular case there was no assembly whatever. In expounding that opinion the whole should be taken together, and in reference to the particular case in which it was delivered. It is however impossible that the understanding has differed from this circumstance. The court on a general question of levying war, as an arm of the law, is intended to be a means to be adapted to the object in hand, in order to effect, or to attempt it upon them. Nor did the court consider the actual application of the law to the object as at all, in an equivocal sense, for an assembly, though in a condition to apply force, might be in a state of rest, without having made the actual application of that force. From these positions, which are to be found in the opinion, it may have been inferred, it is thought, that the future of the assembly was unimportant, and that the warlike consequences of an assembly never could be inferred by any meeting of men, or a criminal intent in creating a position to them by testimony of any kind whatever.

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