

Portland, 23; ship Ben-  
donaire, 27, in distress.

ND, May 23.  
Trial. Yesterday the circuit court of the United States, for the fifth circuit, and district of Virginia, commenced its session in this city. The expected trial of Colonel Burr drew together an immense concourse of citizens from various parts of the union; indeed far exceeding any that we recollect ever to have seen upon any former occasion.

At half past twelve o'clock the court was opened, present  
John Marshall, chief justice of the United States,  
Cyrus Griffin, judge of the district of Virginia.

Before the grand jury was impanelled and sworn, a lengthy and desultory argument took place between col. Burr with his counsel on the one side, and the attorney for the United States in the district of Virginia on the other, in relation to exceptions taken by the former to the manner in which some of the jurors were summoned, and finally on objections to some individual members of the jury. The late hour at which the court adjourned obliges us to compress into as narrow a compass as possible, the proceedings in this preliminary stage of the business. Indeed, if it were in our power to prepare the arguments at full length, we doubt extremely the propriety of publishing them during the pendency of the trial, before even the petit jury shall be sworn; especially as some of those arguments contained a degree of asperity which might possibly influence the minds of those who may finally pass between the United States and the accused.

After it was ascertained that eighteen of the grand jury had answered to their names, col. Burr stated an objection to the manner in which part of them had been summoned by the marshal. He disclaimed every idea of casting any imputation on that officer, but considered the irregularity of his proceedings as the mere effect of an error in construing the law, which error it was proper to correct. He adverted to the law of Virginia, by which 24 persons properly qualified are directed to be summoned as a grand jury; and contended that, when the officer had summoned that number, his authority ceased, and he had no power to summon the twenty-fifth. In the present case, he said, he was authorized to state, that after the marshal had summoned the number required by law, he had accepted of excuses from part of them, and had afterwards completed the panel by summoning additional members.

He was followed by Mr. Botts, who went more particularly into an examination of the question, and referred to the judicial act of congress and the laws of Virginia, prescribing the duty of officers in summoning a grand jury. He also cited the case of Marbury v. Madison, (1 Cranch) to show that when a judicial act was once performed by an officer, it was irrevocable. It was proposed on the part of col. Burr, that the marshal should be interrogated as to those members of the grand jury who had been summoned after the original panel of 24 had been completed.

Mr. Hay, district attorney, observed, that he confessed himself not very well prepared to answer the objection, a similar one to which he had never heard before, but that he conceived it to be of no importance, and was willing that col. Burr should be accommodated with a grand jury to which no exception could be made. It appeared to him indeed not to be proper to examine witnesses as to the conduct of the marshal, in this stage of the prosecution; and he knew not why the objection was now made, for it could make no difference to the prisoner or to the United States; since if any of the grand jurors were set aside, there would either be enough remaining of those who had been summoned, or the deficiency would be supplied by the marshal from among the bystanders. He submitted the whole matter to the court to determine whether testimony should be examined concerning the persons summoned or not.

Mr. Wickham said he meant no imputation on the marshal, whose intentions he doubted not were upright; but as this was an extraordinary case, and great attempts had been made to prejudice the public mind against col. Burr, he was justifiable in taking every advantage that the law gave him. He cited 2 Hawk. Pleas of the crown, p. 607, 10 sect. and 8 Bac. Abr. 735, to show that a person bound in a recognizance to answer a criminal charge, has a right to appear and make objections to the grand jury before they are sworn. Whether a plea in abatement might afterwards be filed for the error committed, was a question not necessary now to be determined; neither was it the wish of col. Burr to resort to that alternative; for he anxiously desired that the prosecution should terminate here, and with a grand jury free from all exceptions.

Mr. Hay then read the law of Virginia, (Rev. Code, p. 100, sec. 3,) and contended that the construction attempted to be put upon it, was more rigid than could be warranted by sound sense and good policy. The intention of the law was that twenty-four good men and not liable to any of the exceptions therein stated, should be summoned. What reason therefore could be given to prevent the marshal (if he discovered that a man whom he had once summoned could not attend) from summoning another, and thereby securing the attendance of the full number required? The marshal summons a man without knowing the situation of his private affairs—the man afterwards informs him that he is subject to uncontrollable domestic difficulties; for example, that he is going a journey on indispensable business. Why should he not excuse him, and summon another? Where is the authority to prove that the functions of the officer who collects a grand jury cease before the day on which it is impanelled?

When the return is made, if a sufficient number do not attend, a discretion is vested in the marshal to appoint others in the room of absentees; and is not the principle the same, when he knows the twenty-four, whom he has first summoned, cannot attend?

He observed too, that the gentlemen were influenced by a mistaken idea; for he had understood that the marshal, in the instances to which they alluded, had only inquired of the persons said to have been summoned, whether they could attend or not;

expressing his intention to summon them, if they could attend; and, upon their assuring him of their inability, had applied to others.

Mr. Wickham said that the counsel for the United States had not fairly met the question. As the authorities he had cited before were short, he read them; observing that his only object in doing so was to show that the objection ought to be made before the grand jury were impanelled, and therefore must now be made.

On the merits of the objection he said that Mr. Hay's argument concerning policy had no weight; that the words of the law of Virginia being plain on the subject in question, ought alone to be regarded; that it was sufficient to answer *ita lex scripta est*: that policy however was on his side of the question; since great danger would result from permitting a marshal, who was appointed by the president of the United States, and dependent upon him for his continuance in office, (however respectable the present marshal is acknowledged to be) to change the members of the grand jury at his pleasure.

The law is, that if the 24 grand jurors who have been summoned do not attend, 16 are sufficient to constitute a grand jury. Mr. Hay is therefore mistaken as to the law, in supposing that 24 are necessary. Let it be supposed that a day or an hour before the sitting of the court, the marshal is informed that one of the grand jury cannot attend: according to the doctrine contended for by Mr. Hay, he may excuse him and summon another; but, when they attend in court, if 16 are present, he has no such power. If the excuse is made to the court, and they deem it insufficient, a fine is to be imposed. Is the marshal to be substituted for the court? and can he release from the fine?

Upon the whole he insisted that the inquiry should be made, but declared that he had no intention to wound the marshal's feelings, whose error was certainly unintentional.

Mr. Hay. I said before, that no good reason existed for not authorizing the marshal, where he discovered it to be certain that a grand juror could not attend, to supply the deficiency by summoning another before the commencement of the term. According to that doctrine, if 12 of those who are summoned should fail to attend, there might be no grand jury at all.

The chief justice inquired whether this question had ever come before the state courts?

Mr. Randolph answered that it never had within his knowledge, although he had thirty years ago been attorney for the commonwealth; but there never had been a case like the present; and therefore no necessity to make a similar objection had ever been felt. This case was indeed a peculiar one, for in no other had such a torrent of prejudice been ever raised, and by means too which we shall shortly unfold. In this case, therefore, it becomes necessary to contend for the rules of which we now avail ourselves; and in consequence of the power vested in the marshal, and his liability to be influenced by the government, great danger would arise from relaxing them.

[To be continued.]

## FEDERAL GAZETTE.

WEDNESDAY, MAY 27.

Spoke April 24, in sight of Bermuda, ship Moses, of Wiscasset, from Norfolk for Barbados. May 6, lat. 33, 4, long. 65, ship Abeona, Williams, of Newburyport, 6 days from Charleston, for Tonningen—March 18, lat. 41 1-2, long. 49, ship Averick, 12 days from Charleston for Liverpool. May 3, off Charleston, ship Rufus, from Bordeaux, for Savannah.

Extract of a letter, dated Richmond, May 23. Yesterday commenced the session of the circuit court, and the trial of Col. Burr. This city is all anxiety. Popular opinion has been greatly excited against the accused. A respectable grand jury has met; three of its members were excused, viz. W. B. Giles, Col. Nicholas and Dr. Fouché. The jurors sworn are—J. Randolph, J. Reman, J. Eggleston, L. W. Tazewell, R. Taylor, W. Daniel, jun., J. Mercer, E. Pegram, M. Beverley, J. Ambler, T. Harrison, J. C. Cabell, J. Pleasant, jun., J. Brockenbrough, A. Shepherd, J. Barbour, J. Gamett.

Court adjourned to 11 o'clock this day.

Married last evening, by the Rev. Mr. Pitts, Mr. John Scott, to Miss Nancy Pickett.

From the Merchants' Coffee-House Books.

May 26. Arrived, brig Newton, Bunker, 21 days from the City of St. Domingo—mahogany, logwood and fustic—W. Cole. Left on the coast ship Mary and brig Neptune of Baltimore, loading. At the City schooner Nancy, for Philadelphia in 5 days; ship Phoenix, for New-York in a few days; brig Planter, do. do. brig Joseph, of Boston, do. the brig —, Coffin, N. York, bound to Jamaica, carried into Baracoa by a French privateer, captain at the City waiting trial; brig Rover, of Philadelphia, bound to Jamaica, in like predicament; brig —, Gardner, of Nantucket, captured and carried into Samana, the captain at the City. May 14, in long. 72, spoke brig Portland, bound to Havana.

Also, sch'r Five Sisters, Bates, 35 day from Lagaira—coffee, cocoa, hides and cotton—Robert and Alexander McKim.

Also, brig Decatur, Thomas, 53 days from Bordeaux—brandy—Benjamin and George Williams. Spoke nothing of consequence.

Also, sch'r Rainbow, Fulton, from Saint Thomas, and 13 days from Turks Island—silk, coffee and sugar—Robert Cornthwaite. Left at Turks Island schooner America, of New York, for Jamaica in 2 days; brig Rajah, Conklin, of do. for Havana next day. The three masted schooner John, Sablin, from Washington, N. C. bound to Jamaica, was cast away on the West Indies Reef 23d April, vessel and cargo totally lost, crew saved, three of whom came in the Rainbow. The sch'r Dolphin, Stanwood, 50 days from Guadaloupe, bound to Boston, put into St. Thomas the day before he left it, in a very leaky condition, having been driven off the coast.

Also, sch'r David, Chaytor, 16 days from La Vera Cruz—logwood and sarsaparilla—Isaac McKim. Sailed in co. with schooner Hawk, White, for Baltimore; parted 8 days since, off Hatteras. The sch'r Champlin,

for Philadelphia, sailed same day. Left a schooner from New-Orleans, name unknown. Came into the capes at 8 o'clock last evening; saw nothing bound up but those in sight. May 27.

The brig Triton, Cox, hence to Amsterdam, has put into Norfolk, leaky.

## Sale by Auction.

TO MORROW MORNING,  
The 28th instant, at half past nine o'clock at the  
Venue Warehouse at the corner of Second and  
Frederick-streets, will commence the sale of  
A Variety of Dry Goods;

Among which are,  
6 cases Fine and Superfine Fancy Calicoes,  
1 trunk Tambored Handkerchiefs,  
1 trunk Cambric Muslins,  
1 do. Shawls,  
1 do. Cotton Hosiery,  
33 bales Gurreas, Baitas, Mamoodies, Emerties, &c.  
A quantity of Superfine, Second and Coarse  
Cloths, Cassimers, Corals, and other Manchester Goods, without reserve.

And at 12 o'clock,  
A few hds. of superior quality Sugar,  
31 barrels and 60 bags of the 1st quality  
Green Coffee.

A choice parcel of Teas, a part of which  
are of the latest importation.  
Rice and Indigo, Cloves and Raisins,  
Holland Gin, and St. Croix Rum,  
&c. &c.

THOMAS CHASE, Aucr'r.

may 27.

## Sale by Auction.

Will be added to the said to-morrow at 12 o'clock,  
507 bags Coffee, } for cash & with-  
33 boxes Brown Sugar, } out reserve.

THOMAS CHASE, Aucr'r.

may 27.

## Sale by Auction.

On FRIDAY Next,  
The 29th inst. at 10 o'clock at our Auction Room,  
head of Frederick-street dock, will commence  
the sale of  
A Variety of Dry Goods;

Amongst which are,  
2 trunks Vandike Cotton Hosiery,  
2 Plain White do.  
1 Calicoes,  
1 Book and Tambored Muslin,  
1 Adelpia Sewing Cotton,  
1 Ladies' Ornamented Hair Combs,  
1 Shawls,  
1 case Gingham,  
1 Linen,  
1 Nankeen, plain and twilled,  
1 Marseilles Quilling,  
2 trunks Ladies' Shoes,  
2 Mens' Shoes & Slippers, &c. &c.  
And at 12 o'clock,  
A variety of Groceries, particulars of which  
will be expressed in a future advertisement.

VAN WYCK & DORSEY, Aucr's.

may 27.

## Public Sale.

BY COLE & BONSAI,  
On WEDNESDAY, 3d June, will be sold at  
11 o'clock in the forenoon, at No. 1, Market-  
street,  
THE remaining STOCK in TRADE of  
the late James Davidson, cabinet-maker, deceased.

Consisting of  
One elegant Mahogany Side Board,  
One do. do.  
Two Desks and Book Cases,  
Bureaus, Dining, Breakfast, and Card Tables, &c.  
And a quantity well seasoned Mahogany Plank, which will be sold together or in lots, to suit purchasers. Also, sundry Coffin Furniture and Cabinet-makers' Tools. Terms made known at the time and place of sale.  
The Executors being very desirous to settle the estate, hereby request those who are indebted, to make speedy payment, as no longer indulgence can be given.

TO MENT,  
The front House, two doors from the bridge, in Market-street, an excellent stand for a grocery or dry goods store. Apply to Mrs. Davidson, on the premises.

May 27.

d6t

## For Sale.

192 boxes White } SUGARS, su-  
128 do. Brown Havana } perior quality,  
made from one estate.  
101 bags Green Coffee.  
For terms apply to  
GEO. W. BLACKESTON.

may 27

2aw

## Notice.

The Commissioners of the Tax for the city of Baltimore, will meet again on FRIDAY next, the 29th day of May instant, at Decorey's Inn, sign of the Phoenix, opposite to Christ Church, and will sit two or three days more to make transfers, and hear appeals.  
By order,  
THEOPHILUS F. DOUGHERTY, Clerk.

may 27

d3t

## Strays.

Came to the subscriber's, at Pimlico Meadows, (Hook's town) a black and white Cow, with the ends of her right horn and ear cut off. Likewise, a black and white Cow with her right ear cut at the end, and two slits in it.

RICHARD MASON.

may 27.

d3t

## BARTER.

The proprietor of a few shares in the Baltimore Insurance Company, and two Lots of Ground in High-street, Old-Town, wishes to sell them, or exchange for stock, or other property, in or near Philadelphia. For further particulars inquire of  
T. & I. EDMONSON.

may 27.

2aw3v

## A Cook Wanted.

ONE that can cook well recommended, will hear of a situation by applying at this office.

May 27.

d4t

## Whelan and Laurensen

Have just received from Philadelphia, in addition to their supply of fresh TEAS,  
10 chests of real English Company TEAS,  
Consisting of  
Hyson, Young Hyson and Imperial.  
Which they offer for sale by retail only, at No. 132, Market-street.

may 27.

co8t

## Dispensary.

Doctors DORSEY & BACON,  
Are recommended to the consideration of the contributors as Dispensary Physicians, for the ensuing year.

may 27.

d4t

## An Elegant Horse for Sale.

He is a full blooded stud 6 years old, & will be sold much below his value, if application is made before Saturday next, if not sold before that day he will be sent to the country. Apply at Mr. Hussey's Tavern, Howard-street. may 27. d4t

## Pitch Hall, Jun.

81, Bowly's wharf,  
Has for sale,  
50 quarter casks Malaga Wine,  
50 whole and 16 half tierces fresh Rice,  
100 boxes white Cod-Fish, in excellent order,  
30 do. Spermaceti Candles,  
11 hds. N. E. Rum,  
50 chests good shipping, Cheese;  
50 chests Young Hyson Tea,  
9 sets elegant dining China, each set containing 177 pieces.

may 27.

co8t

Cornthwaite and Yarnall,  
No. 83, Bowly's wharf,  
Have just received per schooner Friendship,  
via New-York,  
60 boxes Spermaceti Candles.

And have on hand,  
London Refined Saltpetre, of superior quality,  
Ravens Duck, selling by the few pieces,  
Green Copperas, Imperial, Hyson & Young Hyson Teas, this year's importation.  
5th mo. 27. d4t

## Benjamin Francis

Takes the liberty to inform the citizens of Old-Town and the public in general, that he has opened a STORE, at No. 2, at the corner of Bridge and Union-streets, Old-Town, where he proposes to keep the following articles for sale, viz.  
Groceries and Liquors,  
A general assortment of Wrought and Cut Nails,  
Flooring Boards and Spikes,  
Wrought and Cut Springs, from 1 1/2 to 2 inches.  
Also,  
An assortment of Hardware.

Also,  
A large number of Carpenters' Tools.  
Likewise,  
A number of small articles of too little value to trouble the printer with. The articles will be offered for sale on reasonable terms for cash or approved bank bills.  
may 27. co2m

## Hollingsworth & Worthington

HAVE JUST RECEIVED,  
40 boxes of Imperial, } TEAS, import-  
10 qr. chests of Hyson, } ed in the Asia,  
50 ditto Young Hyson, } lately arrived  
70 ditto Hyson Skin, } at Philad.  
6000 ps. short Yellow Nankeens, } Entitled  
1000 do. very fine long do. do. } to  
500 do. do. do. blue do. do. } Drawback.

ON HAND,  
A large supply of well assorted Bar Iron,  
Coloured Mill Stones, of all dimensions,  
5000 wt. Hams,  
Pork, Lard, Shad, Herrings, Tar, Plaister,  
Corn, Rye, Steel, Demijohns, coarse and fine Salt,  
12 purchases of excellent 4th proof Jamaica Rum, &c. &c. &c.

May 27. d4t-co16t

## Farmers' Bank of Maryland.

MAY 22d, 1807.

## NOTICE TO STOCKHOLDERS.

THAT the second instalment of Ten Dollars a Share on their Stock becomes due and payable the 13th June next. Any stockholder failing to pay the same on or before the said instalment, such stockholders' money in bank will remain free from interest, and not entitled to dividend until such instalment or call shall be made good; and the dividend thereafter to be paid to such stockholder, as well upon the money by him regularly paid, as upon the money paid after default, will be calculated only from the time when said last instalment was made good.

By order,  
JONA. PINKNEY, Cashier.

(M. 27.) law3t

## London Hat & Hosiery Ware-House,

125, MARKET-STREET.

The subscriber has received by the arrivals at New-York and Baltimore, a complete assortment of Men's London and Paris made BLACK BEAVER HATS.  
Do broad, brimmed Summer Drab and Colored do. Patent Water proof Willow and Lechorn Hats. Youth's and Children's Hats, and Jockey Caps.  
Ladies' Black and Drab Beaver, with Feathers. Servants' Jappanned Hats.  
Also, a handsome assortment of Ladies' & Men's SILK & COTTON HOSIERY, GLOVES, UMBRELLAS & PARASOLS.  
One hundred Dublin made SILVER WATCHES,  
Cap'd and Jewell'd which will be sold 25 per cent under the usual price, with Seals and Chains.  
Also, a quantity of British LACE.

HENRY BROWNE.

may 27. colm

## Indian Queen,

South Fourth-Street, Philadelphia.

## Samuel Richardet,

Begs leave to acquaint his friends and the gentlemen in general; that having taken and entered the country-seats of James Edwards and Hugh Thompson, esqrs.,  
It contains about eleven acres of Land, divided into several convenient lots; two excellent meadow lots, a clover lot, and a pasture set in orchard grass; a good cultivated garden with sundry kinds of fruit, pears, &c.; 3 young thriving orchards of excellent fruit, consisting of apples; peaches and cherries.  
The improvements are, a neat two-story frame House, two rooms on a floor; stable and out-houses; a brick milk-house, and a pump of excellent water running through the same; also, a spring of good water convenient to the house.  
The above may be had with or without a careful industrious black man and his wife, for a term of years, or they will be hired. They are both accustomed to the place, and steady, well-disposed people. Also, a number of utensils suitable for such a place, and some stock. Liqueur of the printer.

may 27. co12t

## For Sale,

Or to RENT for a term of years,  
A neat little COUNTRY-SEAT, in a healthy situation, not two miles from this city; a short distance from the York turnpike road, near the country-seats of James Edwards and Hugh Thompson, esqrs.

It contains about eleven acres of Land, divided into several convenient lots; two excellent meadow lots, a clover lot, and a pasture set in orchard grass; a good cultivated garden with sundry kinds of fruit, pears, &c.; 3 young thriving orchards of excellent fruit, consisting of apples; peaches and cherries.  
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## French Goods.

The subscriber has just received a fresh supply of

Ladies' Corsetts,  
Plain Lustrings,  
Fl. rances,  
Silk for men's summer coats,  
Strong Black Vest Silks,  
Suspenders,  
Purses and Pocket-Books,  
Gold and silver Laces,  
Epaulets and Spangles,  
Military Plumes,  
Watch Chains,  
Necklaces and Ear-Rings,  
Fancy gilt Combs,  
Real tortoise shell ditto,  
Silk Hose, &c. &c.

SAMUEL WALKER.

may 27. co4w

## NOTICE.

At a meeting of the Baltimore Library Company, held yesterday in the Library, agreeably to notice publicly given, the following resolutions were agreed to, viz.—

1st. That every member of the Library Company of Baltimore shall pay annually the sum of Two Dollars, additional to his present annual contribution, for eight successive years, which payments may be enforced in the same manner as is prescribed for compelling the payment of the usual annual contribution.

2d. That the Directors of the Library Company of Baltimore be, and are hereby authorized and enjoined to form a fund, to be composed of the additional annual payments of two dollars, together with such part of the accruing monies of the company, as they in their discretion may, from time to time, set apart for the said purpose, towards the purchase of a suitable lot of ground, and erecting a commodious building for the deposit of the Company's Books, for the extension of the institution, and maintenance of the same.

3d. That the Directors, whenever they may judge it proper, shall apply to the general assembly of Maryland, for permission to establish a lottery or lotteries, to aid the said fund for the purposes and uses before mentioned.

Ordered, That the foregoing be published in the Federal Gazette and American, for the consideration of the members of the company, who are hereby requested to meet in the Library, on Tuesday, the 9th of June next, at 11 o'clock, A. M. to determine on said resolutions, which, if then agreed to, will thereafter form a part of the constitution.

By order of the Meeting,  
F. BEESTON,