

A. and R. Boughan,
No. 99, BOWLY'S WHARF.
Are now landing from schooners Little Bob and Unity, from Richmond,
45,000 lbs. rich, fat, James River TOBACCO, of the very first quality.
They have in store and for sale,
33 bbls. Maryland Tobacco,
4 bbls. Lambblack, in pound papers,
115 barrels HERRINGS,
40 kegs Richmond Chewing Tobacco,
150 bbls Turpentine,
1100 bushels Richmond Coal.
June 10. d6t

For Sale by William Child,
AT NO. 88, BOWLY'S WHARF,
106 bbls. Cargo No. 1 } Boston BEEF,
46 do do No. 2 }
20 pipes old Bordeaux Brandy,
30 bbls. N. E. Rum,
10 pipes Cognac,
10 half pipes Alouque } WINES,
11 quartercases Port,
9 chests Young Hyson Tea, of superior quality.
12 casks Cutt Nails, and a few tons Iron Hoops,
An assortment of Cotton and Wool Cards.
June 10. d4t.eo4t

CORDAGE.
A few tons Cordage, of the best quality and most valuable sizes, now landing from the sloop Polly and Nancy, at Smith's Wharf, for sale by
H. BURROUGHS.
June 6. d

Wm. & Jerm. Hoffman,
No. 3, South Charles-street,
Have imported a neat selection of
4-4 } IRISH LINENS.
7-8 }
5-4 } SHEETINGS.
Lawn & Dowls, purchased in the Dublin market on short time, and received here by the ships Abena and John Adams from Liverpool.
May 11. d

Best Russia clean Hemp.
Russia Sheetings } entitled to drawback
Sherry Wine }
AND
3000 bushels yellow Corn.
For sale by
SCHULTZE & VOGELER.
May 13. d

Isaac Burneston,
No. 195, MARKET-STREET,
Is now opening an assortment of
SPRING GOODS.

German and India Goods,
A choice parcel of first quality white Ticks, lenburgs, Gurrals, &c. May 4. d36t

Susquehanna Canal.
A Special meeting of the proprietors of the Susquehanna Canal will be held at Bryden's Inn, in the city of Baltimore, on Monday, the 15th day of June, instant at 10 o'clock in the forenoon, on business of great interest and importance to the Company. A punctual and general attendance in person or by proxy is earnestly requested and recommended.
By order of the Governor and Directors,
S. ST. RETT, Secy.
d15thJe

28 bags St. Domingo Coffee,
(About 3000 weight) entitled to drawback, just received per Deagle's Norfolk packet and for sale by
BUFFUM & GOODHUE,
No. 84, Bowly's wharf.
June 9. d6t

Millers Wanted.
Two or three MILLERS wanted at William Patterson's Mills on the great Falls of Gunpowder. Inquire at my store corner of Pratt and Commerce-street.

SAMUEL BYRNES.
N. B. Two healthy boys will be taken as apprentices to the milling business, apply as above.
June 5. d7t

Lewis Michael & Co.
Have imported, in the different vessels from London and Liverpool, their assortment of
Spring Goods,
Also on hand,
India Muslins, Chalks, Bandanna Handkerchiefs, German and Irish Linens, assorted— all which will be sold on reasonable terms.
May 4. d48t

The Gentleman who on
Friday night last, at the Theatre door, gave in a mistake, a copper Pocket piece, for a Quarter Eagle, in the purchase of Oranges, and at the same time received One Dollar Fifty Cents change, will please call and receive his copper piece, pay two and a half Dollars with the expense of this advertisement, to prevent his name being published.
June 9. d4t

Bolting Cloths.
Millers and others, who deal in this article can be supplied on the best terms, by the in, voice or single piece, with Bolting Cloths, from No. 6 to 7, of a superior quality, from the manufactory of the "Three Kings," by applying to the subscriber.
JOHN SPERRY,
55, Smith's wharf.
May 6. d

12 seroons Peruvian Bark
of a good quality and entitled to drawback, for sale on a liberal credit by
FREDERICK LINDENBERGER & CO
May 5. d

Pork, Ginger, etc.
50 bbls. New-York Prime Pork,
30 kegs Ground Ginger,
10 bbls. N. E. Rum,
300 reams Wrapping Paper.
Just received and for sale by
THOMAS MAREAN,
No. 86, Bowly's wharf.
June 10. d46t

Havanna Sugar, Coffee, &c.
335 boxes prime white and brown Havanna SUGARS, 13 half boxes refined White do 85 bags Green Coffee, and 3 barrels Plantain Indigo, just received per schooner Merchant, John Bigly, master, from Havanna, and for sale on a liberal credit for approved endorsed paper, if immediate application be made before landing to
ROBT. HAMILTON,
Corner of Calvert-street and Lovely-lane.
May 22. d

Sale by Auction.
On SATURDAY,
The 13th inst. at half past 12 o'clock, at the head of Frederick-street dock, will be sold
The CARGO of the brig Hunter,
Consisting of
43 bbls. very first quality, St. Croix SUGAR,
182 bags COFFEE,
VAN WYCK & DORSEY, Auctioneers.
June 11.

Wanted to hire,
A COOK, who can bring good recommendations, and who has no objection to go to the country during the summer. Liberal wages will be given to a good cook, and none other need apply.
Apply at this Office.
June 11. d4t

SHAD.
100 bbls. No. 1, Susquehanna SHAD, in nice order, and just inspected; for sale by
JOHN OKELY,
No. 14, McEldery's wharf.
June 11. d4t

A CARD.
W. H. Webster,
Returns his most sincere thanks to the inhabitants of Baltimore, for the favors conferred on him so liberally, and assures them he shall always endeavor to merit a continuance of their patronage.
June 11. d4t

To Let,
A two-story brick Dwelling HOUSE, No. 95, South Hanover-street, and possession given immediately. Apply on the premises, or at No. 10, South Charles-street.
June 11. d

AMOS BROWN & CO.
No. 109, Market-street,
Have received their Spring Supply of SUGARS, among which are several thousand pairs assorted in packages, to suit country merchants, which will be sold at reduced prices for cash or acceptances in town. Also, 100 pairs Baltimore manufactured Boots, on a liberal credit.
April 20. d

For Sale,
200 barrels Pork, arrived from New-Orleans, stored at Fall's Point a few days ago, and inspected as very good second quality, on very liberal terms.
200 boxes Claret, good quality, containing one dozen each, at low price on account of not being entitled to drawback, at 65 and 90 days credit.
100 Shares Mechanic Bank Stock, on 60 days credit.
95 Shares Potomac Bank Stock, on 90 days credit.
7 Shares Water Stock, on four months credit; by
CHARLES GHEQUIERE, Broker,
27, Water-street, opposite the Baltimore Insurance Company.
The above is an addition to his advertisement of the 4th instant.
He wants to purchase,
A small amount of 3 per cent United States Stock.
N. B. Applications have been made to him for some Annuities, well secured by improvements, in a central part of the city west of Jones' Falls.
June 9. d

Nimrod Maxwell,
Proprietor of the celebrated Sulphur Spring in Adam's county, Pennsylvania, takes leave, on the approach of the season for bathing, and drinking this highly medicinal water, to inform his former friends, and the inhabitants of this and the neighboring states, who may be in quest of health or pleasure, that he is prepared to gratify them in both. His house is in all respects in an improved state, his rooms freshly embellished and furnished with the best Beds, and his cellars replenished with a variety of the choicest Liquors. He promises a plentiful and luxurious Table embellished by the best cooks; and has been at the expense of sinking in the solid Rock, and replenishing with abundance of Ice a cave for the refreshment of his Spring Guests. He will have obliging Waiters, and plenty of them, together with Music for the entertainment of such as delight in that exquisite Treat. The House on the south side of the Bridge, is occupied by Mr. Robert Long, who kept it formerly, and who has fitted it in the best manner for the accommodation of Boarders.
N. Maxwell in this age of puffing, has chosen to content himself with this plain and modest notice, begging his readers to believe that he means to perform even more than he has promised.
June 11. d15thJy

Wanted,
A young MAN, who is a ready accountant, writes a good hand, and understands Book Keeping. One who can come respectably recommended, will hear of a situation, by applying at this Office.
June 11. d4t

For Sale,
Liverpool Fine and Coarse Salt, Earthenware, in crates assorted, London Porter, in casks of 6 1-2 doz. each, British Canvas, No. 4, 5, and 6, Madeira Wine, in pipes and bbls.
4 cases Listados,
Bordeaux Brandy, 4th proof,
Gunny Bags. Apply to
JOHN SHERLOCK.
June 11. d5t

To Architects.
The subscriber being appointed to obtain plans and estimates for a plain, substantial and commodious BRICK CHURCH, with steeple and clock, to be erected in this city, he hereby offers a premium of one hundred dollars to any person who may furnish him, on or before the first day of August next, the plan and estimate of said building, which may be approved of and finally adopted.
It is requested, that in such plans as may be offered, special regard be had for obtaining a copious admission and circulation of fresh air; also, that the pews be single, and in number at least one hundred, each at least sufficiently large for the accommodation of six or eight persons.
Such plans and estimates as may not be approved, will be returned, if desired, in conformity to instructions which may accompany them.
JOHN MURRAY,
The printers in Savannah, Charleston, Baltimore, Washington, Philadelphia, New-York and Boston, are requested to publish this advertisement, and forward their accounts for payment to the printer of the Augusta Herald.
Augusta, Georgia, April 9.
June 11. d4t

Trial of Col. Burr. From the Enquirer. Wednesday, May 27.

Mr. Burr did not expect an opinion of the court since no motion had been made. Mr. Wickham had only given notice to the opposite side, that they follow the strictest rules of law. If it was a suit of 101, only, he should ask for the laws of evidence.

The chief justice said, it would certainly be better, if evidence was produced to prove the fact first, and the evidence to show their coloring: for no evidence certainly has any bearing upon the present case, unless the overt act be proved. However, if the attorney for the United States thinks the chronological order the best, he may pursue his own course; but the court trusts to him that he will produce nothing, which does not bear upon the case.

Mr. Witt. We coincide with the opinion of the court, that an overt act ought to be proved, and that we ought to produce no evidence at all, unless we believed we had enough to prove the overt act. We do believe that we have sufficient evidence for this purpose; but we think it best to pursue something like a chronological order; to take this conspiracy in its germ, to go on step by step, and to trace out every event as they subsequently arose.

Mr. Hay observed that it would be necessary to give evidence to show the temper of mind of the accused: as for instance, Mr. Stoddert would show his hostility to the administration, and even to the government: to show how this disposition of mind might lead to treasonable designs, to plans, and thence to overt acts. This was the natural order of things and of the evidence. He hoped, that in drawing out this evidence, the court would rely upon his humanity, that he would produce none which did not bear upon the fact.

Mr. Randolph said, that however he might respect the gentleman's humanity, he knew too well the temper of any prosecution, to expect much from it. They are for strict law, said Mr. R. and so are we. In England, before a witness is heard, it must be stated in general terms what he intends to prove. The same practice ought to prevail here. Let the attorney for the United States state the substance of each part of the testimony he is to produce, and the court will then perceive whether it is calculated to bear upon the case itself, or whether it is only intended to inflame the public prejudices against col. Burr. We demand that the overt act be first proved: without that, the accessory evidence is of no kind of use. Let that be established, and the accessory facts will then have their weight. I hope, sir, if the attorney for the United States does not introduce his evidence on that point, we shall be at liberty to suppress all the irrelevant testimony.

Mr. Botts said, he should leave it to the court.

Mr. Hay. Agreed.
The chief justice decided, that the attorney for the United States might pursue whatever course he thought best.

Mr. Botts. Send us the written testimony before you submit it to the court.
Mr. Hay. As I said before, I shall take up the depositions first; and then the *ex vivo* testimony, in a chronological order. I shall first introduce general Wilkinson's deposition.

Some desultory conversation then ensued between Mr. Hay and Mr. Botts, on the latter's demanding the liberty of examining the deposition. At length Mr. Hay handed the paper to him. Mr. Botts then addressed the court.

(As Mr. Botts' speech contains an explanation of much of the course, which is probably to be pursued by col. Burr's counsel, particularly in regard to instructions from the court to the grand jury on the evidence, we have published it at some length.)

Mr. Botts. In my objections to General Wilkinson's affidavit, I may be compelled to question the correctness of principles, in favor of which the court has expressed an impression. It has been our misfortune to have been drawn out into a desultory discussion of some of the propositions fixing limits to the examination; when these propositions had such relation to each other and among themselves as to render it difficult to fortify one effectually against assault, without the support of the others. And altho' the subject was not wanting in novelty or importance to fit it for solemn argument, yet the complaints of the prosecutor so often, so loudly and so crushingly repeated, has forced from the court a premature intimation of judgment. I feel the perplexity of my situation most sensibly, and shall hope for the indulgence of the court, if I should unwarily stray into the seeming indecorum of resisting now and then, an inclination of the mind of the bench. Whenever I venture into a scene so delicate, I shall present to the court authorities not to be resisted.

The opinion of the supreme court overruling the objection, that the oath administered to Gen. Wilkinson was extrajudicial, fixes the law for this court.
The best evidence that the nature of the case will admit of, should be produced. This rule applies to every stage of every case in every court. The failure to produce the best evidence that the nature of the case admits of, furnishes a presumption, that the higher evidence left behind, would, if produced, make against the party offering the weaker. All this is familiar in civil cases, where 40r. may be the quantum of interest in litigation. The benefit of this common law and common sense ought not to be lost, when the liberty of a citizen is concerned, when a six months' dungeon may be the object of the motion.

The supreme court considered an affidavit as the best evidence the case then admitted of. The accusation was fresh, and neither time nor means had been allowed for procuring a personal attendance. Now the accusation is old, and the government has had all the necessary means of bringing the witness here. The circumstances do therefore now admit of higher evidence than an *ex parte* affidavit.

The *ex vivo* testimony of Gen. Wilkinson is the right of my client. No man provisionally deprived of the benefit of a cross examination without necessity. You have in another place said, sir, that it was to be made out only by inference from Gen. Wilkinson's affidavit, that col. Burr was the writer of the letter in cypher. If the witness was here he would impeach that inference by swearing that it was not in col. Burr's hand.

writing. If Gen. Wilkinson was present, would you admit his affidavit? If he ought to have been present and the government would not get him, shall the prosecution be favored for its negligence?

But the present charge is confined to high treason, in levying war against the United States; and the great question is, whether Wilkinson's evidence is in any form pertinent to the charge? I do not mean to urge the objection, that if it develops any criminal purpose, it is not a treasonable purpose, for this construction has been settled by the supreme court. Admitting for the time, that it contained evidence of a treasonable purpose, and that the supreme court is to be overruled, still the evidence would be most impertinent upon the present charge of *actual* treason.

I have alluded to the legal propositions, intended to be pressed, as forming legal restrictions upon the task in which we are engaged. I will first combine them, that their fitness to each other, and their collective effects may be seen. My second process will be to disunite them, and by an analytical comparison of them with the known principles of our treason laws, to ascertain their legality.

No evidence of any matter ought to be given, until proof shall be adduced that there was an actual war levied in the district of Virginia; and until it is proved that an overt act of treason, in that war, was done by col. Burr—which proofs shall be by 2 witnesses at least.

First: It must be proved that there was an actual war. A war consists *wholly* in acts, and not in intentions. The acts must be in themselves acts of war; and if they be not so intrinsically, words or intentions cannot make them so. In England, when conspiring the death of the king was treason, the *quo animo* formed the essence of the offence: but in America, the national convention has confined treason to the *act*. We cannot have a constructive war, within the meaning of the constitution. An intention to levy war, is not evidence that a war was levied. Intentions are always mutable and variable. The continuance of guilty intentions is not to be presumed. If this were not the case, the avowal of a purpose to levy war, would fix the crime: for a proved intention might be attached to the next innocent act of the person who formed it; and so preparations of emigration be turned into a levying of war.

It has been eloquently declared, that war cannot exist in a closet or a corner; but when levied, it must be in the face of the world. This cannot be true, if the recesses of the bosom are to be explored for any of the ingredients in the composition of the crime of levying war. The guilty intention must be made manifest from the act alone.

Gen. Wilkinson professes to know nothing but of intentions, which are not evidence of acts.

2dly: The war must not only have been levied, but col. Burr must be proved to have committed an overt act of treason in that war. A treasonable intention to co-operate is no evidence of an actual co-operation. The acts of others, even if in pursuance of his plan, would be no evidence against him. It might not be necessary that he should be present, perhaps; but he must be, at the time of levying the war, co-operating by acts; or, in the language of the constitution, be committing overt acts. The acts of associates in a treasonable plan, in countries where the doctrine of constructive war prevails, can never be given in evidence against the accused until after the plan has been proved on the latter, and until such acts shall appear to have been within the limits of that plan—1 East's Power Law, 96 97. Part of the proof in this affidavit is of the declarations of a supposed associate as to what the plan itself was. But in this country, as there cannot be a constructive treasonable war, plans and acts of associates can only come in, when the former has been executed, and the latter has been visibly and publicly assisted. Vol. 4, Tucker's Black. Appendix B.

3dly: The overt act by the accused in an actual war must not only be proved, but it must be proved to have been committed within this district. The 8th article of the constitution of the U. S. and the 8th article of the amendments of the constitution require that the trial shall be by a jury of the district where the offence was committed. The oath of the grand jury is accordingly to inquire of offences within the district. The jurisdiction of this court is also limited by express law to offences within the district, and it is obviously true that the courts jurisdiction cannot be broader in an inchoate inquiry, than it would be in its connections with a jury in a final trial. Doct. Blackstone, in the 4th volume of his commentaries, 203, refers to the oath of the grand jury, "to inquire into offences committed within the body of the county, and denies the right of the grand jury to inquire into facts out of the county. In preparing a work for the grand jury the court cannot disregard the limits of their power.

The crime to be committed in the district must be *wholly* committed there. At the common law if the stroke was given in one country and the person stricken died in another, the murderer could not be prosecuted in either. To remedy this defect and to provide for others similar to it, many provisions have been made by the English parliament, 4 Black. 303, 4 5. But the English parliament never did alter the common law as respects the crime of levying an actual treasonable war, Kelyng 15. The constitution and act of congress have both adopted the rule of location. V. Tucker's Blackstone 4 vol. Appendix B. 49-54 51. Grant.

ing then, that intention would make that war, which would not otherwise be so, still, as a former intention is no proof of its own continuance or execution, the intention must be proved to have been contemporaneous and homogenous with the act in the district. In this view the intention forms a constituent part of the offence. If one constituent part of the offence can be brought from without the district, and coupled with others in the district, any one constituent part, or number of constituent parts of the crime may be brought from without the district. Then one component part only happens in Virginia out of 100 necessary to its completion would give this court jurisdiction—and thence one out of 100 parts of a crime would be a crime within the meaning of the constitution. Let us view the consequence of this logic.

Upon proof against col. Burr touching a crime, part of which was committed in this district, he may be tried and acquitted. In Ohio he may be indicted, and evidence may be prepared touching the same crime. Can he plead *autrefois acquit* in bar, by avowing that the crimes charged in the two states was one and the same? His avowment would be against the record of the indictment charging a complete separate crime in each district. Will you, sir, put upon the constitution such a construction as will subject a citizen to be hunted down, by trial after trial, in state after state, as long as the persecuting spirit of a wicked executive may last? Do not understand me to allude, in this, to the present administration, the characters of which I have been in the habit of admiring; but the construction now to be fixed must go down to posterity and may be made instrumental in effecting the worst of state oppressions.

Remember that colonel Burr has forborne to avail himself of this legal principle in Kentucky and in the Mississippi territory, in order that the merits of his case might come before the inquests; but it ought now to be agreed that he should protect himself from being harassed further by calling in to exercise the great principles of the constitution, declaring that no man shall be twice put into jeopardy of his life for the same offence. V. amendments to const.

Now what part of the affidavit speaks of a fact within the district?

4thly: The overt act of treason by col. Burr within the district must be proved by two witnesses.

The constitution and act of congress require two witnesses, not only to the act, but to the treasonable quality of the act. After full time has been afforded to collect all the witnesses in the power of the government, the accused ought not to be deprived of his liberty, unless it was believed that the evidence collected would convict him. Impersonation is only intended for trial and not for punishment. What does Gen. Wilkinson's affidavit make out intentions by. The answer is by the confessions of the accused or of his supposed associates. The confessions of the accused by the express words of the constitution, are not evidence, unless made in open court. Confessions are often admitted from necessity, to get at crimes that deal in secrecy, as larceny, forgery and robbery; but the safety of the people requires that crimes which deal in *publicity*, as does the crime of a treasonable war, should not be proved by evidence so incapable of exculpatory proof. When an honorable gentleman (Mr. Giles) was challenged the other day upon a suggestion of his having expressed himself upon the case of the accused, he said he was indisposed to hear evidence of unguarded expressions in which the witness might have mistaken his meaning, have misunderstood what he said or not have heard all that he said, or have substituted his own inferences for the words of the speaker. Blackstone and Foster have characterized it to be the most dangerous species of evidence, ever liable to misconstruction and abuse. But if the constitution has proscribed it, why now question its exclusion? If the confessions of the accused, out of court, could not be evidence against him, could the confessions of real accomplices be evidence against him? Yet the evidence of Wilkinson relates, in part, to the confession of pretended accomplices no way proved to have been authorised by col. Burr to say or do any thing.

But why, it may be asked, is col. Burr afraid to hear illegal evidence, if he is consciously innocent?

We see witnesses from different and distant parts of the United States, whose names, faces and characters are alike unknown to col. Burr. He cannot ascertain upon what parts of his life or conduct they are expected to speak, or upon what information their evidence may rest. His character has long been on public torture; and wherever that happens, with either a good or a bad man, the impulses to false testimony are numerous. Sometimes men emerge from the sinks of vice and obscurity into patronage and distinction by circulating interesting tales, as all those of the marvellous kind are—others, from expectations of office and reward volunteer; while timidity, in a third class, seeks to guard against the apprehended danger, by magnifying trifling stories of alarm. These works of exaggerating and propagation, are frequently the subjects of idle amusement. The authors, until they commit themselves, have no just conception of the mischief they are hatching; but when they are afterwards called to give testimony, perjury will not appal them, if it be necessary to save their reputations for consistency or veracity. If the evidence be restricted within the legal limits, the purest of characters, under accusation of treason, will have hazard enough to run. A judge whose experience of these dangers was great, thus speaks on the subject. "The rule of rejecting all manner of evidence in criminal prosecutions, that is foreign to the point in issue, is founded on sound sense and common justice. For no man is bound at the peril of life or liberty, fortune or reputation, to answer at once and unprepared, for every action of his life." Few, every the best of men, would choose to put it in. And had not those concerned in the state prosecutions, out of their zeal for the public service, sometimes stepped over this rule