

declarations which that witness has made at other times on the same subject. If he possesses this right he must bring forward proof of those declarations:—this proof must be obtained before he knows positively what the witness will say, for if he waits until the witness has been heard at the trial it is too late to meet him with his former declarations. Those former declarations, therefore, constitute a mass of testimony which a party has a right to obtain by way of precaution, and the positive necessity of which can only be decided at the trial.

It was with some surprise an argument was heard from the bar, insinuating that the award of a subpoena on this ground gave the countenance of the court to suspicions affecting the veracity of a witness who is to appear on the part of the United States. This observation could not have been considered. In contests of this description the court takes no part; the court has no right to take a part. Every person may give evidence testimony such as is stated in this case. What would be the feelings of the prosecutor, if in this case the accused should produce a witness completely exculpating, and the attorney for the United States should be arrested in his attempt to prove what the same witness had said upon a former occasion, by a declaration from the bench that such an attempt could not be permitted, because it would imply a suspicion in the court that the witness had not spoken the truth? Respecting so unjustifiable an interposition, but one opinion could be formed.

The second objection is, that the letter contains matter which ought not to be disclosed. That there may be matter, the production of which the court would not require, is certain; but that in a capital case the accused ought in some form to have the benefit of it, if it was really essential to his defence, is a position which the court would very reluctantly deny. It ought not to be believed that the department which superintends prosecutions in criminal cases, would be inclined to withhold it. What ought to be done under such circumstances presents a delicate question, the discussion of which, it is hoped, will never be rendered necessary in this country. At present it need only be said, that the question does not occur at this time. There is certainly nothing before the court which shows that the letter in question contains any matter, the disclosure of which would endanger the public safety. If it does contain such matter, the fact may appear before the disclosure is made. If it does contain any matter which it would be impudent to disclose, which it is not the wish of the executive to disclose, such matter, if it be not immediately and essentially applicable to the point, will of course be suppressed. It is not easy to conceive that so much of the letter as relates to the conduct of the accused, can be a subject of delicacy with the president. Every thing of this kind, however, will have to be considered on the return of the subpoena.

It has been alleged that a copy may be received instead of the original, and the act of congress has been cited in support of this proposition. This argument presupposes that the letter required is a document filed in the department of state, the reverse of which may be and most probably is the fact. Letters addressed to the president are most usually retained by himself. They do not belong to any of the departments. But were the fact otherwise, a copy might not answer the purpose. The copy could not be superior to the original, and the original itself could not be admitted if denied without proof that it was in the hand writing of the witness. Suppose the case put at the bar of an indictment on this letter for a libel and on its production it should appear not to be in the hand writing of the person indicted. Would its being deposited in the department of state make it his writing, or subject him to the consequences of having written it? Certainly not. For the purpose of shewing the letter to have been written by a particular person the original must be produced, and a copy could not be admitted.

On the confidential nature of this letter much has been said at the bar and authorities have been produced which appear to be conclusive. Had its contents been orally communicated, the person to whom the communications were made could not have excused himself from detailing them so far as they might be deemed essential in the defence. Their being in writing, gives no additional sanctity. The only difference produced by that circumstance is that the contents of the paper must be proved by the paper itself, not by the recollection of the witness.

Much has been said about the disrespect to the chief magistrate, which is implied by this motion and by such a decision of it as the law is believed to require. These observations will be very truly answered by the declaration that this court feels many, perhaps peculiar motives for manifesting as guarded a respect for the chief magistrate, of the union, as is compatible with its official duties. To go beyond these would exhibit a conduct which would deserve some other appellation than the term respect.

It is not for the court to anticipate the event of the present prosecution, should it terminate as is expected on the part of the United States, all those who are concerned in it would certainly regret that a paper which the accused believed to be essential to his defence, which may for aught be essential, had been withheld from him. I will not say that this circumstance would in any degree tarnish the reputation of the government, but I will say that it would justly tarnish the reputation of the court which had given its sanction to its being withheld. Might I be permitted to utter our sentiments, with respect to myself it would be to deplore most earnestly the occasion which

should compel me to look back on any part of my official conduct with so much self-reproach as I should feel, could I declare on the information now possessed, that the accused is not entitled to the letter in question, if it should be really important to him. The propriety of requiring the answer to this letter is more questionable. It is alleged that it most probably communicates orders shewing the situation of this country with Spain, which will be important on the misdemeanor. If it contains matter essential to the defence, and the disclosure is unpleasant to the executive, it certainly ought not to be disclosed. This is a point which will appear on the return.

The demand of the orders which have been issued, and which have been, as is alleged, published in the *Natchez Gazette*, is by no means unusual. Such documents have often been produced in the courts of the United States and the courts of England. If they contain matter interesting to the nation, the concealment of which is required by the public safety, that matter will appear upon the return. If they do not, and are material, they may be exhibited. It is said they cannot be material, because they cannot justify any unlawful resistance which may have been employed or meditated by the accused. Were this admitted, and were it also admitted that such resistance would amount to treason, the orders still might be material, because they might tend to weaken the endeavor to connect such overt act with any overt act of which this court may take cognizance.

The court, however, is rather inclined to the opinion that the subpoena in such case ought to be directed to the head of the department in whose custody the orders are, and the court must suppose that the letter of the secretary of the navy, which has been stated by the attorney for the U. S. to refer the counsel for the prisoner to his legal remedy for the copies he desired, alluded to such a motion as is now made. The affidavit on which this motion is grounded, has not been noticed. It is believed, that such a subpoena as is asked ought to issue if there exists any reason for supposing that the testimony may be material and ought to be admitted. It is only because the subpoena is addressed to those who administer the government of this country, that such an affidavit was required as would furnish probable cause to believe that the testimony was desired for the real purposes of defence, and not for such as this court will forever discountenance.

The citizens are not unacquainted with the patriotic vigilance of our present Mayor. His late instructions to the city Constables evince a paternal solicitude for the welfare of Baltimore, that challenges unmingled esteem. Having seen a copy of the instructions, we consider it a pleasing duty to aid their greatest possible publicity.

TO THE CITY CONSTABLES.
Having observed that the city constables have never taken and subscribed an oath of office, and no good reason presenting itself to my mind, why they should be exempt from the same obligation taken by all other city officers, I have called you together this day to administer to you the oath prescribed in the charter for city officers; and I shall take this opportunity to make some observations respecting the duties of your office.

In consequence of the frequent complaints of many of my fellow-citizens, (which I am sorry to observe, has not been altogether without cause,) of the inattention of the city constables in the discharge of the duties of their office, I have been induced to increase their number, and apply the entire sum appropriated as a compensation to them for their services. Whether this arrangement will remove all well-founded complaints, and insure a faithful execution of the provisions contained in the city ordinances, remains to be tried; certain it is, that many of our police regulations have heretofore been shamefully neglected, and inasmuch as it is my duty to enforce the compliance of all city officers with their official engagements, I have been on these occasions not unjustly censured for their negligence. You cannot excuse yourselves for any omission of your duties, because you may consider your salary too small a compensation for your services; for in all cases where a man undertakes to perform a service for a stipulated sum, however small it may be, he violates his engagement if he does not conscientiously and faithfully perform the service.

I designed to have placed in your hands printed instructions, but this appears to be unnecessary, since your duties are clearly and distinctly laid down in the city ordinances, with which it behoves you to make yourselves well acquainted, so that you may not only ascertain what service you have undertaken to perform, but be enabled thereby to exert yourselves to discharge with fidelity your duties. Those ordinances I would now particularly recommend to your attention are, an ordinance entitled "an ordinance to prevent nuisances, and to enforce useful regulations within the city of Baltimore;" an ordinance entitled "an ordinance regulating the riding and driving of horses and carriages within the city of Baltimore, and for other purposes therein mentioned;" an ordinance entitled "an ordinance to restrain gaming," &c. and at this season of the year, I must require from you an unremitting attention to all police regulations for the preservation of the health of the city; and for this purpose I insist that each of you daily visit every part of your respective district. The want of attention on the part of the city constables generally, to the prompt collection of the dog tax, and the fines incurred in cases of dogs kept within the city without collars about their necks with the owners' names thereon, has not escaped notice; hereafter I shall expect promptness and punctuality in the settlement of the dog tax, and that all fines incurred in the ordinance entitled "an ordinance more effectually to diminish the number of dogs within the city of Baltimore," shall be uniformly collected.

Whenever an executive officer undertakes to judge of the propriety of any law regularly enacted, he assumes powers which rightfully belong to others. It is not a subject for your or my consideration, whether any particular ordinance or police regulation be popular or not; whether the execution thereof be difficult or convenient, expedient or otherwise: While an ordinance remains unappealed, however inconvenient and troublesome it may be to execute it, it is the part of city officers to cause it to be put in force; and in this respect, every good citizen will afford you his assistance when you find any difficulty in the faithful discharge of your duties.

It is painful to me to observe a shameful negligence in the discharge of one duty which is very important, which is enjoined upon all constables, but more especially upon those appointed for the city. You permit, because you take no effectual measures to prevent, tumultuous meetings of slaves, idle boys and others, in the streets on the sabbath day, frequently for the purposes of gaming, and sometimes in the vicinity of churches, so as actually to disturb religious congregations while engaged in public worship. That such conduct should ever occur, is disgraceful to our city; that such conduct should generally occur every Sunday, without being checked or prevented, is highly disreputable to all public officers engaged to preserve the peace of the community. Let me then urge you, let me insist upon you, to unite your best endeavors, and zealously co-operate one with another, to prevent this disgraceful profanation of the sabbath.

In order to render your station as respectable as it should be, it is essential that upon all occasions you should observe, towards those with whom you have business to transact, a civil and respectful deportment. By such conduct you give satisfaction to the public, and render the discharge of your official duties much easier than it otherwise would be. It gives me pleasure to state, that such I believe, has been your general deportment. I have now nothing further to add, than that some of you have been very inattentive in your attendance at the mayor's office, on your appointed days. This regulation, established by my predecessor in office, I deem an exceeding good one, as it accommodates the citizens with an officer promptly to remove any grievances of which they may complain; facilitates you in the entire discharge of your duties; and enables me more readily to ascertain, whether those duties are discharged: therefore I shall hereafter require the most punctual attendance at the office, on the respective days appointed for each of you.

THORWGOOD SMITH.

BALTIMORE G. N. DISPENSARY.
Extract from the proceedings of the managers at their meeting on the 15th inst.

"RESOLVED, That those persons who are Candidates for the office of Attending Physicians at the ensuing election, be authorized and requested to receive subscriptions to this institution."

From the Merchants' Coffee-House Books.
June 18.

Arrived, schr. Belle, Hudgen, 16 days from St. Pierre, (Mart.)—sugar & coffee—E. R. Partridge. Left, schr. Racer, for Baltimore in 5 or 6 days; brig Nancy, for Georgetown, (Potomac) in three weeks; and 12 or 14 others, belonging to the northward. The brig Matilda, for New-York, sailed 1st June.—14th, lat. 32, long. 73, spoke schr. Carlton, from Baltimore for Havana, out 3 days.

Also, brig Potomac, Belt, fourteen days from Barraco—a coffee, hides and wood—James and Charles Alston. The British Galliot Hector, from Whitehaven for St. Domingo, was captured and sent into Barraco, 20th April; the British ship Eliza, from Jamaica for Dublin, was taken 27th May and ordered for St. Jago; the British brig Edgar, from Jamaica for Leith, was captured 28th and arrived at Barraco; the American ship Juno, from Jamaica, for Norfolk, was captured the 27th May, recaptured the same day, and ordered to Jamaica; the Swedish schr. Risk, from St. Domingo for Philadelphia, was taken 25th May and arrived at Barraco; the British sloop Patience, from New-York for Jamaica, was taken the 24th and arrived at Barraco; and 10 sail of schooners and a sloop had been recently captured and sent into Barraco, chiefly under Danish and Swedish colors, names unknown.

Also, brig Telemachus, Jones, from Trinidad (Cuba) and 11 days from New-Orleans—sugar, hides and sassa-parilla—J. B. Jaufrat and E. Valdor. Left at Nassau, ship Flora, of New-York, from New-Orleans for Liverpool; had been ashore on Caryfort, Reef; cargo discharged; ship repaired, crew sick uncertain when to sail. Also, schr. Pretty Agnes, Merideth, 9 days from St. Jago—coffee—the master. June 15, lat. 33, long. 75, spoke schr. Good Intent, from Baltimore for Havana. Passed a brig and a schr. in the bay, bound up.

An American brig, beating into Flushing, May 18, off the Isle of Wight, spoke ship Caledonia, Henderson, from Amsterdam, for Liverpool, out 6 days. May 20, spoke ship Rebecca, Coffin, from Norfolk for Cowes, out 14 days; same day, spoke brig Eliza, of Boston, from Norfolk, blowing hard could not hear where bound. June 13, long. 66, lat. 40, 24, spoke ship Francis, of Portland, from Liverpool, for Baltimore, out 4 1/2 days. Came into the Capes 17th instant, in co. with the three-masted schr. Jason, Davis, of Baltimore, bound into Norfolk, in distress, with loss of top-mast and lower-mast head. Also arrived, schr. Agenoria, Driscoll, 6 days from Havana—rice and cotton, Falls and Brown.

On Sunday evening next, at 6 o'clock, Divine Service will be conducted by Mr. Wytown, at the German Baptist Meeting-House, west end of the city.

Baltimore Gen'l Dispensary.
On Friday, the 19th inst. an Election of twelve Managers, to serve for the ensuing year, will be held at Mr. James Bryden's Tavern, at 5 o'clock, P. M.—and, on Friday, the 26th instant, an Election of three Attending Physicians will be held at the same time and place as may be hereafter notified.—Persons having paid to the Dispensary five dollars within the preceding year, or any one time the sum of fifty dollars, are entitled to vote. Those who are desirous of aiding the institution, are requested to forward their contributions to the treasurer, Mr. Philip E. Thomas, No. 108, Baltimore-street. By order of the Board.
WILLIAM GWYNN, Secy.
June 17.

DISPENSARY.
The subscribers present their thanks to the contributors for their support of them as physicians to this institution; and think it necessary to acquaint them that they decline being considered as candidates at the ensuing election.
JOHN OWEN,
JAMES SMYTH.
June 17.

General Dispensary.
Doctors DORSEY and BACON will be supported as Physicians to the Dispensary, at the ensuing election, by Contributors.
June 17.

HANDELIAN CHARITABLE SOCIETY.
The members of the Institution are hereby informed that the evening of performance is again changed to Friday, at usual. The members are requested to be punctual in their attendance on Friday evening next, precisely at eight o'clock, as business of importance to the Society will be submitted to their consideration.
HORACE H. HAYDEN, Secy.
June 18.

Sale by Auction.
TO-MORROW MORNING, (SATURDAY)
The twentieth instant, at ten o'clock at the Venue Warehouse at the corner of Second and Frederick-streets, will commence the sale of A VARIETY OF HOUSEHOLD AND KITCHEN FURNITURE, GLASS AND CROCKERY WARE, &c. belonging to the estate of a deceased person.
Also,
An invoice of handsome Plated Ware, a Case of Cutlery, consisting of Penknives, Scissors, Razors, and a few sets of handsome Table Knives and Forks, &c.
A large Beam, with chains, dishes and half a ton of Iron weights,
and
1 case Looking Glasses, assorted.
THOMAS CHASE, Auct'r.
June 19.

Will be Landed To-morrow,
On Dugan's wharf, from on board the schr. Belle, captain Hudgens,
76 lbs. } 1st quality
16 lbs. } Clayed SUGAR.
31 lbs. } Do. do. brown do.
3 tierces, }
32 lbs. } Do. do. Muscovado do.
2 barrels, }
97 tierces Cassia Fistula and
8 tierces Green Coffee. For sale by
EATON R. PARTIDGE,
At Alexander, Webster & Co. Counting-house.
June 19.

Whale Oil, Malaga Wine, &c.
A small quantity of Whale OIL just received and for sale.
Also in Store,
Malaga Wine,
Shipping Cheese,
N. E. Rum,
Young Hyson Tea,
Coffish in boxes, and
Fresh Rice, in whole and half tierces.
Apply to
FITCH HALL, Junr.
81, Bowly's wharf.
June 19.

Cotton and Rice.
Just received per schooner Agenoria, capt. Driscoll, from Savannah,
164 bales Upland Cotton,
100 tierces Rice,
For sale by
FALLS & BROWN.
Also in Store,
London Particular, } Madeira Wine in pi-
Do Market, } pps lbs. & qr. casks.
Holland Gin,
Jamaica Rum. The whole entitled to draw-
back.
Also,
Petersburg Tobacco,
Young Hyson Tea.
June 19.

How now Moonshine?
In a few years will be published by subscription, an original work, to be entitled
ICE CREAM,
By ME & J. C. & Co.
MOTTO—"Ice Cream, you scream,
we scream, they scream!"
PSAL. MEXXIIII.
"I vont says she, and she scream'd a scream."
Price to subscribers, 25 cents per No. to non-subscribers 12 1/2.
June 19.

Green Turtle.
TURTLE SOUP will be served upon the Table of the Fountain Inn, on MONDAYS and FRIDAYS, at 2 o'clock, and from 11 till 2, in the Public Room, during the season, by
JAMES BRYDEN.
N. B. Private Families can be served.
June 19.

A Wet Nurse.
A CHILD would be taken to NURSE, by a person with a good breast of milk, and who can produce good recommendations. Apply at No. 20, North Howard street.
June 19. d4t

Wanted to Purchase.
A few Likely YOUNG NEGROES, for which a generous price will be given. Inquire at this Office.
June 19. e04t

Wanted to Hire,
An elderly or middle aged WOMAN of good character, to attend a young child. Apply at this Office.
June 19. d

To Rent,
A two-story Brick Dwelling HOUSE, calculated for the reception of a large family, situate near the Precincts Market House.—The front Room is fitted for a store, or would suit for an Office. Application to be made at No 240, Baltimore-street.
June 19. 2aw

To Let,
A convenient two-story BRICK HOUSE, corner of Fayette and Pearl streets, near Finley and Taylor's. There is a good Smoke House, Oven, excellent water, and other conveniences on the premises. The rent will be moderate, to a good tenant. Inquire on the premises.
June 19. e0

For Sale,
A smart healthy Negro GIRL, between thirteen and fourteen years of age. She will not be sold to any person who will not engage to keep her in this state. Inquire at this Office.
June 9. d4t

Notice.
THE Partnership heretofore subsisting between us, under the firm of LABAN WELCH, is this day dissolved by mutual consent. All persons having claims against said firm, may receive the same; and those indebted thereto are requested to pay their accounts to LABAN WELCH, who is authorised to receive the same.
JOHN BREVITT,
LABAN WELCH.
June 19, 1807. d4t

Stray Cow.
CAME to the subscriber's plantation, on the 16th instant, a red and white COW, branded on each horn in two places; the letters appear to be M. W. and a gimble-hole in each horn. The owner is desired to prove property, pay charges and take her away.
SAMUEL DEAN,
Living near Ellicott's Upper Mills, Baltimore county.
June 19. d3H

Valuable Lands, Negroes & Stock, for Sale.
By virtue of two deeds of trust from Thomas Ringgold, the subscribers will offer at public sale on the premises, on MONDAY the 23d day of November next,
THAT valuable Tract of LAND, called Hopewell, situate within two miles of Chester town, on Chester River, Kent county, Maryland, containing about twelve hundred acres of Land. This estate is in good order and will be improved, the land is of the best quality, and has a sufficient portion of wood land for its support.
Immediately after the sale of the Land, will be sold,
ALL the Negroes, Stock and Farming Utensils, appendant to the real estate.
on WEDNESDAY,
The 25th of November next, will be offered at public sale,
The House and Lots now occupied by Isaac Spencer, esq. in Chester Town. The House is large and spacious, and well calculated for the convenient accommodation of a large family, the Gardens are highly improved and well stored with a variety of excellent Fruit Trees. It has large Stables, and Carriage Houses and every other convenient out house.
On the following day will be offered for sale on the premises,
That valuable and productive estate, called United Field, together with the Negroes, Stock and Farming Utensils thereon, situate in the lower part of Kent County, on the Chesapeake Bay, supposed to contain between five and six hundred acres of first quality land, this estate is also well improved, and in high cultivation, it abounds with Fish, Oysters & wild Fowl in the season, has a sufficient portion of woodland, and is within a few hours sail of Baltimore and Annapolis.
and on the 26th of said month, will be offered for sale,
The Farm called Gresham's Levels, now in the tenure of William Sims, situate in Kent county aforesaid, containing about two hundred acres of Land, of this tract nearly one half is woodland.
The terms of sale for the Lands, are one-fourth cash, the remainder to be paid in four equal annual payments with interest, the purchaser giving bond with approved security, and executing a mortgage on the conveyance being made; the Negroes, Stock, &c. will be sold on a credit of twelve months. Possession will be given on the first day of January 8.3. Mrs. Ringgold having relinquished her right of Dower, in the above Lands, they will be sold free of all incumbrances.
SAMUEL RINGGOLD,
TENEL RINGGOLD,
Trustees of Thomas Ringgold
Washington County, Maryland.
June 19. 1aw293AN

French Silks & Fancy Goods.
Just received per the ship Victress, capt. Madocx, from Bordeaux.
An assortment of Men and Women's Silk Stockings,
Do. of different qualities,
Do. of elegant Damask Shawls,
Do. of Tortoise Shell and Horn Combs, spangled and ornamented,
With a variety of Fancy Articles.—For sale by
CORNTHWAIT & YARNALL,
83, Bowly's wharf.
They have also for sale, received per said vessel, A few casks genuine old Medoc Claret, of the vintage of 1801.
Also on hand,
Ravens Duck, Fresh Imperial, Hyson, Young Hyson and Souchong TEAS, Green Copperas, Spemacetti Candles, and London Refined Saitper.
June 17. d4t