

The opinion, I am informed, has been construed to mean, that any assemblage whatever for a treasonable purpose, whether in force or not in force, whether in a condition to use violence or not in that condition, is a levying of war. It is this construction, which has not indeed been expressly advanced at the bar, but which is said to have been adopted elsewhere, that the court deems it necessary to examine.

Independent of authority, trusting only to the dictates of reason, and expounding terms according to their ordinary significance, we should probably all concur in the declaration, that war could not be levied without the employment and exhibition of force. War is an appeal from reason to the sword, and he who makes the appeal evidences the fact by the use of the means. His intention to go to war may be proved by words, but the actual going to war is a fact which is to be proved by open deed. The end is to be effected by force, and it would seem that in cases where no declaration is to be made, the state of actual war could only be created by the employment of force, or being in a condition to employ it.

But the term having been adopted by our constitution, must be understood in that sense in which it was universally received in this country when that constitution was framed. The sense in which it was received is to be collected from the most approved authorities of that nation from which we have borrowed the term.

Lord Coke says, that levying war against the king was treason at the common law. "A compassing or conspiracy to levy war (he adds) is no treason, for there must be a levying of war in fact." He proceeds to state cases of constructive levying war, where the direct design is not to overturn the government, but to effect some general object by force. The terms he employs in stating these cases, are such as indicate an impression on his mind, that actual violence is a necessary ingredient in constituting the fact of levying war. He then proceeds to say, "an actual rebellion or insurrection is a levying of war within this act." "If any with strength and weapons invades and defends doth hold and defend a castle or fort against the king and his power, this is levying of war against the king." These cases are put to illustrate what he denominates "a war in fact." It is not easy to conceive "an actual invasion or insurrection," unconnected with force; nor can a "castle or fort be defended with strength and weapons invades and defends," without the employment of actual force. It would seem then to have been the opinion of Lord Coke, that to levy war there must be an assemblage of men in a condition and with an intention to employ force. He certainly puts no case of a different description. [To be continued.]

BY THIS DAY'S MAIL.

ALTONA, July 22.
The following says a private letter you may depend upon it, is the substance of the conditions of the treaties between France, Russia and Prussia:
"Russia will not lose anything, and no cessions are demanded from Austria."
"There is to be no kingdom in Poland: but Warsaw, and a district round it of about 50 or 60 miles, is to be erected into a Duchy. Jerome Bonaparte is spoken of as the new duke."
"Prussia is to lose all her territories on this side the Elbe: and Westphalia and Hanover will, it is supposed, be erected into a kingdom, of which Jerome Bonaparte will be king, as well as the duke of Poland."
"Dantzic is to be a free Hanse town."

DRESDEN, July 10.
[Private letter.]
The following are said to be the fundamental stipulations of the peace concluded between Russia and France:

1. The boundaries of the Duchy of Warsaw shall be determined as well as
2. That of the territory of the Free Hanse town of Dantzic; the latter are to be marked two miles round the town by the French, Dantzic, Sclavonian, and Prussian arms.
3. The boundaries of the kingdom of Westphalia shall also be defined.
4. Tilsit shall be evacuated by the French troops on the 20th July, and
5. Königsburg the 25th July.
6. Before the 1st August, East Prussia, as far as the Passarge.
7. Before the 20th as far as the Vistula.
8. Before the 5th September, as far as the Oder, and
9. All other royal, Prussian Dominions, as far as the Oder, as well as Silesia, by the 1st October.
10. The Province of Magdeburg on the right of the Elbe, Basewalk, and Prentnow, shall not be evacuated until the 1st November.
11. With regard to Stettin, the time of its evacuation shall be determined by the Plenipotentiaries; until the evacuation shall be occupied by 6000 French troops.
12. Spandau, Castrin, and all the fortresses in Silesia shall be surrendered to the Prussians on the 1st October.

All the other points yet to be arranged shall be settled by the Plenipotentiaries to be appointed by both contracting parties, who are to meet at Berlin, on the 25th July, on condition that the contribution demanded be paid to the French.

NUREMBERG, July 16.
There is a talk of a confederation of the North, to be established under the protection of Russia; of indemnification of several

German princes in the north; of the extension of the confederation of the Rhine to the Elbe, &c. It is said also that the kingdom of Poland will be re-established and given to a French prince; and that Russia will engage to renounce for ever all authority over Moldavia, Wallachia, and several other neighboring Turkish provinces.

MILTZW, July 16.
The French are before the gates of Stralsund; marshal Brune's head quarters are here. The king of Sweden has proposed an armistice in order to negotiate a peace; but received for answer, that this proposal cannot be acceded to unless a guarantee be given, and that guarantee must be Stralsund.

LONDON, July 26.
Bonaparte is stated to have arrived at Königsburg on the 11th, from whence he was to proceed to Berlin, and thence by way of Dresden and Mentz to Paris. The emperor Alexander and the king of Prussia remained at Tilsit, but it is added, that both monarchs had promised to visit Napoleon at Paris.

The French are stated to have lost between 30 and 40,000 men in the battle of Friedland.

Austria, it is said, has been called upon to cede the two Galicias; and it is reported that the Grand Duke Constantine is to be established in Poland.

Peace was signed at Tilsit on the 8th inst. between the emperor of the French and the emperor of Russia.

The treaty of peace between France and Prussia was signed on the 9th July, and ratified the following day.

About noon yesterday the fleet assembled in Yarmouth Roads, and supposed to be intended for the Baltic got under weigh.

The troops which are already embarked or under orders, amount to 20,000 men. The force already in the Baltic amounts to 10 or 12,000.

July 31.
Considerable sensation was excited yesterday by a report that the emperor Alexander had accepted the order of the French legion of honor.

The grand duke Constantine, prince Kurakin, and general Bennigsen, have also been presented with the insignia of Bonaparte's order.

The embargo which was laid on for eight days, for the purpose of obtaining scamen, was taken off this morning in the port of London. We should suppose from this, that the expedition had sailed.

Lord Cathcart passed the Sound on the 14th, and proceeded direct to Stralsund. An engagement has taken place between the Russian and Turkish squadrons off the island of Tenedos; and we suspect to the disadvantage of the latter.

It is reported that a successor to the honorable admiral Berkeley, will immediately set out to the American station. He, however, is to take with him a formidable augmentation to our naval force on that station.

LIVERPOOL, August 1.
The intelligence received this week from the coast of America, has excited a great degree of agitation in all parts of the nation, and especially in the commercial towns. It is certain that no accident could be more perverse or ill-timed. At all events it may tend to bring on a speedy decision of the existing dispute on which the two nations are now at issue. The "right of search" is supposed to be the great stumbling block which caused the rejection of the treaty by Mr. Jefferson, and it is a point on which the two nations are supposed to be equally pertinacious.

Some hopes are now entertained that this affair will not inevitably lead to hostility. If captain Humphreys proceeded on the positive instructions of our government, we should despair of seeing the dispute amicably accommodated; but it is clear from the expressions of Mr. Perceval in the house of commons, that this was not the case.

BOSTON, September 5.
Arrived, ship Sally Ann Glover, 32 days from Liverpool. Ship George Augustus, Jackson, or Boston, sailed 20th July; Ceres, do. 21st; Manchester, Philadelphia, 24th; Manchester Packet, N. York, 24th; Hercules, Madeira, do. Sailed in co with ships Ceres, for Boston; Ganges, Philadelphia; Rhoda and Betsey, New-York; John and Alice, Philadelphia; Mars, N. York; Tyconic, Boston; Philadelphia, Phil. Left at Liverpool, Diana, for Baltimore 18th Aug. Indian Chief, do. do.; Banton, do. 20th; United States, do. 18th; [with many others reported by the late arrivals.]

NEW-YORK, September 8.
Arrived, the ship Minerva, Jenkins, 70 days from St. Petersburg, and 62 from Elsinore, hemp duck and iron. 35 miles below St. Petersburg, spoke the ship Pocahontas, of Boston. July 8, abreast of the Skor, spoke the ship Eliza Ann, Cox, for New-York. August 31, 15 leagues to the eastward of Nantucket Shoals, spoke the ship Mary, from Martinique, and last from Nevis, from which port she had been driven by a gale while the captain and two men were ashore with the ship's papers. She was out 11 days, bound to Newburyport, with most of her sails torn in pieces. Capt. J. was boarded by the Squirrel, and treated politely.

The ship Commerce, Webb, 20

from Point-Petre, Guadeloupe, coffee, sugar and cotton. Aug. 23, lat. 26, 40 long. 55, 30, spoke ship Morning Star, Weyman, 25 days from Boston for Havana.

The brig Hannah, Fanning, 68 days from Amsterdam, gin, cheese, iron, dry goods, &c. The ship Orion, M-Miller, of New-York, sailed, June 27 for St. Petersburg; the ship Columbus, Place, of do. sailed June 26. Left July 1, ship, Mechanic, Bagley, of Charleston, for Philadelphia, Bell Savage, Jones, Charlotte, Sinclair; Native, Young; Areturus, Halstead; Concordia, Johnson, in 6 days for St. Petersburg; Elizabeth, Fordham; Othello, Hempton; Grace, Brown; Eliza Sprout, Kempton; Uncle Toby, Par, 6 days from St. Ubes; and ship Logan, Myrick, all of New-York the latter to sail in 6 days; and others before reported.

Spoke off Start Point, brig Thomas, Sampson of Duxbury, from London for St. Ubes, and ship Washington, Webster, of Newburyport, from London, for Lisbon. July 21, lat. 44, 55, long. 29, spoke brig New-York of New-York, from Savannah for Bordeaux. August 6, lat. 41, 58, long. 44, spoke ship Thomas Wilson, Talbot, Philadelphia, from New-Orleans for Antwerp. August 27, spoke going into Halifax, the British Packet Lord Hobart, 40 days from Falmouth. Aug. 31, spoke the ship Brothers, Dingley, of Duxbury, 54 days from Liverpool for City Point. Capt. D. had spoken to the eastward of the Grand Bank, the ship Elizabeth, 14 days from New-York for Ireland; and the ship Otto, from New-York, in long. 49.

The schr. Newbern, Shar ard, 7 days from Newbern, naval stores and cotton.

The schr. American Lady, Pettes, 10 days from Richmond, and four days from the Roads. Three British ships of war were still at the Capes.

The schr. Betsy and Patsey, Case, from N. Carolina, Smingles—and schr. Hunter, Deo we, from do. stav.

The schooner Moranda, Burt, 9 days from Charleston, sugar.

The ship George, Fowler, from Wilmington, Del. corn meal.

The sloop Nancy and Peggy, White, from North Carolina, staves.

The sloop North Dove, Quigley, 19 days from Annapolis-Royal, fish and plaster of Paris.

Cleared—ship Susan and Sarah, Bates, East-Indies; brig Virginia, Smith, Malaga; schr. Akros, Selly, Guadeloupe.

PHILADELPHIA, September 9.
Arrived at the Luzette brig Alexander, Garwood, Maracaibo, coffee, cocoa, &c.

Cleared scis. Alliance, Roche, Richmond; Enterprise, Young, Charleston; Eagle, Hall, Frenchman's Bay.

FEDERAL GAZETTE.

THURSDAY, SEPTEMBER 10.

For the information of merchants, trading to the Spanish colonies.

A letter from Havana, of the 19th August, says, "The preceding is a copy of the Royal Cedula, officially published this day, and now in force in every custom-house in this Island. We shall therefore have to pay hereafter, 33 per cent. on imports, 22 1/2 per cent. on exports, and the same tonnage duty as Spanish subjects pay on their vessels, in the ports of the United States."

BURR.
We have received the Richmond Enquirer, containing an account of proceedings down to the 5th; and it contains part of the Opinion so anxiously wished for by our readers. This part consists of nine columns in small print; the other part may be expected in a few days. Such is the great length of this important document, that it is impossible to publish it in one, or two numbers. We therefore recommend the preservation of such numbers of the Gazette as may contain this Opinion. It will no doubt be convenient for the politician hereafter to turn to it. We are much deceived if it be not severely criticised, when subsequent events shall have rendered it necessary to question the integrity of the chief justice.

The trial of Burr for misdemeanor was ordered for Monday last, he having been admitted to bail in 5000 dollars.

Mr. Hay entered a *nolle prosequi* as to the indictment of J. Dayton for treason—who pleaded not guilty on the misdemeanor.

Baltimore County, 24th August, 1807.
The great and good effects of the two Camp-Meetings, held on Mr. Gough's land between Perry Hall and the Long Calm, near the Philadelphia Road, have induced a number of the Preachers of the Gospel of our Lord and Saviour Jesus Christ, to hold a third meeting on the same spot; to begin on Thursday, the first of October next, and continue until Tuesday, the sixth. It will be well for those who bring waggons to the camp ground to take a little more straw than they will want for their own use, that they may have the pleasure of giving to those that have none.

Sale by Auction.
In addition to the sale of the choice cargoes of Muscovado Sugar and Antigua Rum, on O'Donnell's wharf, This Afternoon, at half past 3 o'clock,

ARE
160 bags good Coffee,
300 bags Caracas Coc a,
471 pigs of Lead.

AND
A few tons Logwood.

THOMAS CHASE, Auctioneer.

September 10.

For Amsterdam,
The fine fast sailing Ship
SHEPHERDESS,
Capt. John Nelms;
In complete order to receive
a cargo, part of which is already engaged—
For freight apply to
D. L. THOMAS, Ship Broker.

For Amsterdam,
The Ship VIRGIN,
William Auld, master;
Part of her cargo being engaged, the residue will be taken on moderate terms, if immediate application is made to
J. OGLEBY & D. WINCHESTER, or
DANIEL HOWLAND.

For New-Orleans,
The Schooner
THREE SISTERS,
Manning Rich, master;
Considerable part of her cargo being engaged, she will be dispatched immediately. For freight of the remainder or passage, apply to the captain on board, in Frederick street dock, or to
FALLS & BROWN.

JUST RECEIVED AND FOR SALE,
133 hhls. 1st quality white Clayed Mar
39 hhls. 1st quality Sugar, entitled to draw back,
105 hhls. do. brown do.
15 hhls. Muscovado,
70 bags Green Guadeloupe Coffee
BRIGOE & PARTRIDGE.

Nails, Carriage Furniture &c.
Received per ships Canada and Fame, from Liverpool.
20 casks 6d Flat Point Nails,
20 do. 8d do do
20 do. 10d do do
20 do. 20d do do
1 case Carriage Pated Moulding,
1 case Carriage and Harness Mounting & Lamps,
1 case Carriage Springs, assorted.

Also on hand,
5 cases best 6 feet Mill Saws,
4 do do 7 feet Pitt Saws,
3 do do 5 and 6 1/2 feet X Cut Saws,
2 cases do Hand Saws complete
The above Goods have all been received direct from the Manufacturers, and will be sold on low terms, by
HENRY THOMPSON,
53, Smith's wharf

For Sale,
123 hhls. } of very superior quality
14 tierces } white Clayed SUGAR,
16 hhls. }
50 hhls. } Of brown do.
3 tierces } do. do.

A few hhls. and barrels of first quality Muscovado do.
60 half boxes Spanish Segars,
14 hhls. prime Green Coffee. Apply to
EATON R. PARTRIDGE,
No. 1, Commerce-street

Queen's-Ware and Glass.
MATTHEW SMITH, No. 3, North Liberty street,
Has on hand a general assortment of goods in the above line, which he offers on reasonable terms, for cash, or approved acceptances in town.
Crates well assorted, and Liverpool short Pipes in boxes.
Brown Lime, and Liverpool China Table Services, Sets of Elegant Tea China, and handsome Cut Glass.

Mair and Gibson,
No. 7, Calvert street,
Have imported in the Canada, and Othello, from Liverpool, and Grand Seigneur, from Hull, a principal part of their
WOOLENS.

Also, in the Fame, a handsome assortment of
Cutlery.

By the next arrivals, they expect their assortment of *Dr. Goods, Hardware and Saddlery*, will be made complete.

Wanted.
A commodious two or three-story Brick HOUSE, situate between Jones' Falls, and Howard-street. For particulars, inquire at this office.

For Sale,
A new covered CHAIR, with Harness, &c. Inquire at Crowl's Livery Stable.

A Handsome Saddle Horse
For sale at David Baily's Stable, well calculated for the Troop, will be sold cheap, as the owner has no use for him.

Cordial Distillery,
No. 17, Second-STREET, BALTIMORE.
JOSEPH FRETLET
Respectfully informs his friends and the public in general, that he keeps constantly on hand a general assortment of CORDIALS, of all kinds, which he will dispose of, wholesale or retail, on the most moderate terms. Country merchants and others who may favor him with their custom, will have every reason to be satisfied with his prompt attention, and with the qualities and prices of his Liquors.

ON HAND,
A quantity of BORDEAUX WINE, in casks, from five to ten dollars a cask.
HE HAS ALSO FOR SALE,
30 cases first quality-Medoc, of the year 1810.

100 ditto Red Wine,
100 ditto white Wine de Grave, } Suitable for
100 ditto Cordials, well assort- } the West-
ed. } India market.

Cordial in barrels, suitable for retailers,
3 pipes L. P. Madeira Wine, received by the Wolf from Charleston.

To Let,
That new and commodious two story brick DWELLING, situate in North Charles-st a few doors above Church-street, and adjoining the residence of Mr. George Crossdale. In point of neatness and convenience, this House is calculated to please, and will be found to be surpassed by few. Terms will be made known by application to
CHARLES L. BOEHME,

September 10.

A Real Green Turtle of 80 lb.
Will be served upon the Public Table of the Fountain Inn, on Friday next, the 11th instant at 2 o'clock, precisely, by
JAMES BRYDEN.

Baltimore Medical Warehouse,
No. 102, BALTIMORE-STREET.
JAMES HANNA, respectfully informs his friends and the public that he has just received and now opening, in addition to his former stock, a large and general assortment of
DRUGS, MEDICINES and PAINTERS' COLORS.

Which he offers for sale Wholesale and Retail, for cash, credit, or Country produce. He flatters himself that he has as large an assortment if not larger than any in this city, and is in hopes he can sell as low, if not lower than any other. The following comprise a part of his stock which he has selected:

300 best Pale Bark, in powder,
200 best Red Bark in do.
100 Canton Opium,
1000 Cream Tartar,
200 lbs. Glauber Salt,
10 Cocaine,
300 Cinnamon, (or cassia)
50 real Ceylon Cinnamon,
2 cases Sassafras,
2 do. Aqua Fortis,
1 tierce China Root,
1000 wt. Pearl Ash, first quality,
200 Oil Vitriol,
300 Spirits Nitre Dulcis,
2 cases Manna Flake,
50 white Wax,
2 cases Magnesia,
100 Powdered Jalap,
300 Patent Yellow,
200 real south An Africa Gum Copal,
72 dozen best quality 4 rowed Tooth brushes,
With a general assortment of Patent Medicines, &c.

Country Merchants will find it to their interest to call and examine his goods and prices.

Also, on Consignment,
5 hhls. 4th proof Irish Whiskey,
Kilkeny Marble Chimney Pieces,
Kilkeny's first quality Spanish Segars in half and whole boxes,
India Shades, &c.

Horses for Sale.
A pair of beautiful bright bay HORSES, of action and figure: they go finely in harness, either tandem or side and side, and are perfectly sound.—Also, a handsome blood bay HORSE, accustomed to harness, and goes well under the saddle. They may be seen at John Meginnis's livery stable, in North Frederick street, on the 10th or 11th of this month, after which if not sold, they will be immediately removed from town.

Miss Martha Ann Honeywell
Returns her sincere thanks to the Ladies and Gentlemen of Baltimore, for their polite attention to her, and informs them that, to comply to her stay in this city, she intends on the 17th of the present month to move from No. 2 North Charles-street to Fell's Point.

City Commissioners' Office,
Baltimore, 10th Sept 1807.
NOTICE IS HEREBY GIVEN
To the proprietors of Lots situate on Queen-street, between Granby-street and Jones's Falls, that they have the foot-ways paved front of their respective Lots, on or before the 25th instant, otherwise the city commissioners will have the same paved and charged to their account, with the addition of one-eighth of a dollar per foot in length, as a fine for neglect, agreeable to an ordinance passed the 26th of June, 1797.

By order of the board,
SAMUEL VINCENT, CLK.

For Sale.
A healthy Negro GIRL, about 14 years of age, just from the country, to be sold for a term of years. Apply at this office.

Baltimore Fusiliers,
Your punctual attendance is required. This Evening at five o'clock, precisely, at Mr. Wharfe's. All those who have joined the company, and have not signed the constitution, are informed that if they do not sign it before the next meeting, they will be considered as having left the company.

By order,
THOMAS ROGERS, Sec'y.

Independent Company,
You are requested to attend on your usual parade ground *To-morrow Afternoon*, the 11th instant, at 5 o'clock precisely, in full uniform, with arms and accoutrements in complete order. Rints in your guns, and each member to provide himself with twelve rounds blank cartridge.

Baltimore Union Volunteers,
You will meet at the Pantheon on SUNDAY MORNING next, at 8 o'clock, in uniform, with side arms, to proceed from thence to hear a discourse by the Rev. Mr. Chalmers.

You will also meet on MONDAY AFTERNOON, at 3 o'clock, in common dress, with muskets and side arms. The roll will be called at half past three, and absentees fined.

By order of the Captain,
JOHN WHITELOCK, 1st Sergt.

Ordered, That the Baltimore Independent Blues meet in col. Howard's Park, This Evening, at four o'clock, precisely.
JOHN HUTCHINS, Sec'y.

BATIMORE Volunteer Artillery Company.
The members of this company will be punctual in their attendance at the parade ground to-morrow, (Friday) afternoon, precisely at 4 o'clock, with side arms for exercise.

The roll will be called at 1-4 past 4 o'clock, and all absentees fined.

By order
THOMAS FINLEY, Sec'y.

Columbian Volunteers.
Ordered, That you assemble at the Court-House, To-morrow Afternoon, at 3 o'clock, precisely, in full uniform, with arms and accoutrements in military order. Cartridge will be furnished on the Ground.

JAMES WILSON, Sec'y.