

vy war is a visible transaction, and numbers must witness it."

It is not easy to doubt what kind of assemblage was in the mind of the judge who used these expressions, and it is to be recollected that he had just returned from the supreme court and was speaking on the very facts on which the opinion of that court was delivered.

The same judge in his charge to the grand jury who found this bill, observed, "To constitute the fact of levying war, it is not necessary that hostilities shall have actually commenced by engaging the military force of the United States, or that measures of violence against the government shall have been carried into execution. But levying of war is a fact in the constitution of which force is an indispensable ingredient. Any combination to subvert by force the government of the United States, violently to dismember the union, to compel a change in the administration, to coerce the repeal or adoption of a general law, is a conspiracy to levy war, and if the conspiracy be carried into effect by the actual employment of force, by the embodying and assembling of men for the purpose of executing the treasonable design which was previously conceived, it amounts to levying of war. It has been held that arms are not essential to levying war provided the force assembled be sufficient to attain, or perhaps to justify attempting the object without them." This paragraph is immediately followed by a reference to the opinion of the supreme court.

It requires no commentary upon these words to show, that in the opinion of the judge who uttered them, an assemblage of men which should constitute the fact of levying war must be an assemblage in force, and that he so understood the opinion of the supreme court. If in that opinion, there may be found in some passages, a want of precision, an indefiniteness of expression, which has occasioned it to be differently understood by different persons, that may well be accounted for when it is recollected that in the particular case there was no assemblage whatever. In expounding that opinion the whole should be taken together, and in reference to the particular case in which it was delivered. It is however not improbable that the misunderstanding has arisen from this circumstance. The court unquestionably did not consider arms as an indispensable requisite to levying war; an assemblage adapted to the object might be in a condition to effect or to attempt it without them. Nor did the court consider the actual application of the force to the object as, at all times, an indispensable requisite; for an assemblage might be in a condition to apply force, might be in a state adapted to real war, without having made the actual application of that force. From these positions, which are to be found in the opinion, it may have been inferred, it is thought too hastily, that the nature of the assemblage was unimportant, & that the war might be considered as actually levied by any meeting of men, if a criminal intention can be imputed to them by testimony of any kind whatever.

[To be continued.]

## BY THIS DAY'S MAILS.

LONDON, July 30.

The terms of the treaty of peace between France and Russia, will, we fear, when published, afford an additional proof of the good understanding which subsists between the emperor Alexander and Bonaparte. Notwithstanding the professions which the latter has made of his desire to preserve the integrity of the Turkish empire, he has, we have strong reason to believe, consented that Russia should gain a considerable accession of territory on the side of Turkey, in return for which, the emperor Alexander has agreed that Bonaparte should also take a portion of that devoted empire.

The British house of commons have made an additional grant to Dr. Jenner, of 20,000*l.* for the discovery of the kine pox.

We learn from good authority, that a young gentleman, a British subject, having engaged in Miranda's expedition, was taken prisoner, and condemned to ten years slavery at Omoa, and that all applications, even for a mitigation of his sentence, had failed; that Dr. Jenner, in a letter to his Catholic majesty, having professed an interest in the fate of this youth, he was instantly pardoned, and ordered to be set at liberty.

Lord Collingwood is said to have left the fleet off Cadiz, and to have gone up the Mediterranean, in a frigate, on a particular service.

We are sorry to state that an affray has occurred in Ballinrobe, county Mayo, between the Longford militia and a regiment of cavalry quartered in that town. Some lives, five, as far as our authority goes, have been lost in this unfortunate business. Some ridiculous religious difference is understood to have been the origin of this affair.

[Limerick paper.]

## HOUSE OF COMMONS.

July 27.

The house having resolved in a committee, on the motion of Mr. Rose, to consider of the propriety of permitting the importation of certain enumerated articles into the British West-India Colonies, from the U. States of America, and the exportation of certain enumerated articles from the British West-India Colonies to the United States, agreed to a resolution to that effect; and the house having resumed, the chairman report-

ed, and moved for, and obtained leave to bring in a bill accordingly. The principal articles in the former case are provisions, pitch and tar; and in the latter, gypsum, an article of considerable use in the United States.

STONINGTON, (Conn.) Sept. 2

On Monday last, arrived in this port from the Eastward, two seamen, who said that they belonged to Baltimore, and that they were some time since pressed in Halifax, from on board an American vessel sent in there by a British cruiser; that the Admiral had ordered the release of all the American seamen, detained on board of the British squadron then in Halifax, who had not entered in the King's service, and that in consequence, they and about 70 others had received certificates of discharge, and were permitted to proceed to the U. States.

BOSTON, September 8.

All the troops which could possibly be spared, have been collected and hastened from England, since the last news from the continent. One London paper says an expedition was proceeding against Boulogne to destroy the boats, &c. there. But it is more probable the ships and troops have been sent to Pomerania, to assist the Swedes there in extricating themselves from their perilous situation, and finally, if possible, to convey them across the Baltic. It is said the emperor of the French has proposed to negotiate with the king of Sweden.

The Wasp sailed from England July 28, for L'Orient, from whence she will proceed to the Mediterranean.

NEW-YORK, Sept. 10.

The Jason frigate and brig Columbine got under way from their anchorage yesterday afternoon, and went out to sea.

Arrived, British schr. Commerce, Robinson, 10 days from Digby, N. S. plaster and fish.

Br. schr. Pandora, Ward, 14 days from St. Johns, N. B. Plaster and fish.

Schr. Experiment, Miller, 10 days from Wilmington, N. C. naval stores.

The schr. Laurel, Curtis, 10 days from George-Town, flour.

Schr. Hope, Davis, 23 days from New-Barcelona, cotton and hides. Left, schr. Ramo, Hill, of Baltimore.

Below, last night, the ship Illinois, Church, 60 days from Bordeaux—the brig Lautaro, 28 days from New-Orleans—the brig Nancy, of Boston, 69 days from Bordeaux—and sloop Charity, of Haddam, from the West-Indies.

Cleared brig Osprey, Smith, Havana; schr. Clarissa Ann, Barry, St. Johns, N. F. Betsy, Freeman, Halifax.

PHILADELPHIA, Sept. 12:

Arrived, brig Jane, Warner, Havana, Sugars; Hetty, Bellows, Point-Petre, coffee and sugar; Alexander, Garwood, Maracaibo.

No arrivals at the Lazaretto.

Cleared, ship Bonetta, Dewerhagen, Batavia.

It is reported from good authority, that the celebrated gen. Harris, who vanquished Tipu and stormed Seringapatam, is appointed lieutenant governor of Upper, and commander in chief of both the Canadas—he is supposed to have made 100,000 pounds sterling in India and was honored with a red ribbon on his return to England.

NORFOLK, Sept. 8.

ARRIVED,

Schr. Adventure, Gardner, 17 days from Nevis—sugar, molasses and fruit. On the night of the 3d instant, lost both anchors in a squall in the bay.

Brig Nancy, Wormsted, from Richmond, bound to Boston—lost both topmasts on the night of the 3d instant, and put in to refit.

Sloop Polly, Hassey, 7 days from New-York, for Charleston—dry goods, &c. On the night of the 3d inst. was struck with lightning, which obliged him to put into this port in distress.

Schr. Jefferson, Derickson, 5 days from Indian river—lumber and corn.

Schr. Pamela, Gray, 27 days from Falmouth, (Jam.)—ballast. Left there on the 9th ult. ship Emeline, Murdoch, of and for N. York in 4 days. On the 20th ult. in lat. 23, long. 82, 24, spoke brig Helen, of and for Alexandria, from Jamaica. On the 21st ult. spoke brig Betsy, Stevens, of Alexandria, from Jamaica, 6 and to Havana, the Moro being then in sight.

Schr. Eliza, Mills, 5 days from Lewis-town—corn.

Schr. Governor Carver, Churchill, 10 days from Plymouth—lumber.

## City Commissioners' Office,

Baltimore, 10th Sept. 1807.

NOTICE IS HEREBY GIVEN

To the proprietors of Lots situated 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 23th 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, agreeably to an ordinance passed the 26th of June, 1797.

By order of the board, SAMUEL VINCENT, Clk. ddt

Baltimore Mechanical Volunteers.

You are requested to meet on Sunday Morning next, at 9 o'clock, at Lieutenant Stewart's, in complete uniform, with side-arms, and proceed from thence to hear a Discourse by the Rev. John Chalmers.

By order, Joseph K. Stapleton, Sec'y. Sept. 11.

## FEDERAL GAZETTE.

SATURDAY, SEPTEMBER 12.

On Monday morning last the U. S. frigate Chesapeake and two gunboats arrived at Annapolis from Norfolk; and on Wednesday they sailed, with a fair wind, down the bay. We are unacquainted with the object of this expedition.

Extract of a letter to a commercial house in Norfolk, dated Loguira, August 11.

"I have the pleasure, if so it can be called, of being here since the 20th of July. The market is bad, and the produce of this place high. Coffee 23 dollars per hundred cocoa 23 dollars per fanega, indigo 187 1/2 cts. per lb. hides 104 cts. These are the prices on board—Coffee and hides scarce.

"Spanish privateers take all American vessels they fall in with into Porto Cavallo for examination, and such part of the cargoes as may consist of British manufactured goods are there taken out and sold for the benefit of the captors.

"Flour is not at this time permitted here, that is, the person who has the exclusive privilege of this article, will not purchase at any price."

By the Governor and Council of Maryland.

Col. John Stricker is appointed Brigadier General of the Baltimore Brigade, in the place of Gen. John Swan, resigned.

James Calhoun, Junior, is appointed Brigade Major and inspector of the same Brigade.

The company commanded by John B. Taylor, of the 6th regiment, and the company commanded by Joseph C. White, of the 27th regiment, have tendered their services to the executive of Maryland as a part of the quota required by the general government.

From Richmond.

On the 7th Mr. Hay entered a *nole protequi* to the prosecution for treason in the case of Blannerhasset and in that of Isaac Smith. They were each bailed in 5000 dollars on the misdemeanors.

## BRITISH SHIPS.

From the N. York American citizen.

Sept. 9.

Commodore Rogers—This gentleman has exhibited a becoming spirit on the visit of the British ships, in relation to which we have all been more or less in error. Partaking largely of the general feelings occasioned by the peculiar circumstances of the Chesapeake, he was eager to gratify the national wish by a prompt, spirited, and gallant exertion of the force under his command. Judging himself called upon by the proclamation (and he was not wrong in the verbal error) to drive the Columbine out of the waters, who had entered and continued therein contrary to that instrument, he weighed anchor, at the Wallabout, and proceeded towards the vessel as far as the battery, where he was advised the proclamation did not authorize the employment of force: the commodore was evidently disappointed and mortified, but after mature deliberation he coincided with the opinion. I state the facts in honor of the commodore, and because the officers of the navy have been foolishly and impudently interrogated in an evening print.

Since after minute enquiry, I have become acquainted with the leading facts respecting the Columbine and Jason, I esteem it a duty to communicate them to the public, and I do so the moment I am assured that what I am about to state may be implicitly relied on.

The Columbine came to anchor within the Hook on Wednesday last the 2d inst. the Jason the following day. On the 3d they both reported they had dispatches from "their government;" but the report was directed to col. Barclay, who being out of town, did not communicate it to the collector until the evening of the 4th: the Jason had dispatches for Mr. Erskine, which went through the post office on Saturday the 5th, it does not appear, nor is it believed that the Columbine has or had any dispatches at all: she came here and continues contumacious. She was on Monday directed by the collector to depart, but she replied that she would do so when she pleased. Coming within the proclamation, the Jason has been hospitably treated but the hospitality has of course been a regulated one, no supplies having been furnished but through the medium and with the permission of the custom house. On Sunday the Jason requested a pilot, which was accordingly furnished. The pilot was accompanied to the Jason by Mr. Schenck, surveyor, who was politely received and treated, and who requested that Bateman and ———, said to be impressed Americans, might be given up. Bateman, who alleges that he was born in Newark, and has a family in this city, was discharged without hesitation and is now here, but ———, who with nineteen others was in irons as a ringleader of a mutiny, was not surrendered. As soon as Mr. Schenck and the pilot boarded the Jason, orders were given to weigh, and when Mr. S. had finished his business, she dropt down to the Hook, where she is now awaiting dispatches from Mr. Erskine, and whence she will sail the moment they are received.

The mutiny happened on Saturday night and it appears that five-sixths of her crew were engaged in it. The object seems to have been desertion to our shores, and not the seizure of the ship. The plan was to cut the ropes, get possession of the ship's boats, and so escape, and this was to have

been done while the officers were below; but the mutineers forgot to place resolute centinels to keep the officers down, and the consequence was that when they were going aloft to accomplish their purpose, the officers ran upon deck, rushed upon them with arms, drove them forward, and subdued the mutiny. The twenty in chains are to be tried at Halifax.

Error corrected.—In the Citizen of Monday I published the following paragraph.

"On Thursday last one of our gun boats coming into port, was fired at within the Hook, by the British armed brig Columbine, and the midshipman compelled to go on board, where he was detained, interrogated, and treated with insolence."

I wrote the article, on information derived from what I considered a correct and respectable source, but I am told by a distinguished naval officer, that the following are the facts.

While within the Hook, two guns without shot were fired by the Columbine at the gun boat, in consequence of which the midshipman of the latter, went on board the former, where he was treated respectfully, and informed by the commander, that he had taken the gun boat for a pilot boat, the guns were fired as signals for a pilot.

A democratic paper of Monday evening contained a number of disgraceful and calumniating queries levelled at the officers of the United States navy. Justice to those officers requires us to publish the following reply.

[Com. Adm.] To Mr. Frank, editor of the Public Advertiser.

Your queries in the Public Advertiser of Monday were of a nature to excite indignation in the coldest bosom, and to procure for you the chastisement which a scoundrel deserves. In answer to the questions which immediately relate to the navy.—If you wish to be informed why commodore Rodgers did not employ the apparent force with which government has invested him, I would refer you to the constitutional authorities. On this subject they alone can gratify your curiosity; but I wish the public to understand that no censure can be attached to the commodore. His feelings have been already sufficiently wounded at the constrained forbearance, he has been forced to observe, and I feel proud in asserting, that nothing would have afforded him more real satisfaction than an opportunity to distinguish the flag under which he serves. In regard to the commanders of the gun-boats, whom you term swaggers, I assure you their sabres are sufficiently keen to cut off your ears, and will inevitably be employed in that service if any future remarks injurious to their reputation, should be inserted in your paper.

In behalf of the officers, JAMES LAWRENCE, Lieut. in the navy of the U. States. Navy Yard, New-York, 8th Sept. 1807.

## Port of Baltimore.

CLEARED,

Schr. Betsy, Bolton, St. Jago de Cuba  
Volunteer, Murdoch, St. Bartholomews  
Mary, Cooke, New-York  
Sloop Laurel, Beard, Guadaloupe

## Sale by Auction.

On MONDAY, The 14th instant, at 10 o'clock, at the auction room, at the head of Gay-street Dock, will commence the sale of

## A Variety of Dry Goods;

And at 2 o'clock, The Cargo of the Schooner Phoenix, as advertised. ALSO, 33 hds. Muscovado Sugar, without reserve 33 chests excellent Hyson Tea, 43 boxes sugar, 26 pipes brandy, 10 tons Rolled Iron. And at private sale, on liberal terms, 212 tierces } Of Fresh RICE. 20 half tierces } R. LEMMON & CO. Auct'rs. Sept. 12.

## Sale by Auction.

The schooner Phoenix's CARGO not having been landed in time for Wednesday, the sale was postponed till Monday, the 14th instant, at 12 o'clock, when it will be sold at the auction room.

Consisting of, 81 hds. of Martinique white and brown CLAYED SUGAR, of superior quality, and in fine shipping order, A few hds. and barrels of Muscovado do. and 7 bbls. Green Coffee.

R. LEMMON & CO. Auct'rs. Sept. 11.

## Sale by Auction.

Will be added to our sale on MONDAY, for approval paper at 90 days, 2 trunks Furniture Chintz, 1 do. colored Cambric Muslin, 1 do. cotton Shirtings, 1 do. Muslin Shawls. And on account of the underswriters for cash, 1 case White PLATILLAS.

Also, 45 bbls. Glauber Salts. R. LEMMON & CO. Auct'rs. Sept. 12.

## LOST,

(Supposed to be somewhere in Calvert street) 2 One Hundred Dollar Notes of the Bank of Baltimore. The finder shall be entitled to a liberal reward (if required) by leaving them at this office. Sept. 12. ddt

## Poulitney & Thomas

Have received by the Grand Seigneur, from Hall, a further supply of 104 bundles SHEET IRON, Single, Double, and Treble Rolled. Sept. 12.

## By Virtue of a Deed of Trust

made by William Saman, and John Lamb, to Isaac Pemock, and Phineas Ash, will be exposed to Public Sale, on the premises on MONDAY, the fifth day of October next, at four o'clock in the afternoon.

The unexpired term of ninety-nine years, renewable forever, in all that Lot of Ground, situate in the city of Baltimore, beginning from the same, on the west side of Concord street, at the distance of 60 feet, southwesterly from Water-street, and running thence south fourteen degrees, east binding on Concord-street, thirty-four feet, thence west parallel to Water-street, eighty-six feet more or less, to ground of Thomas M'Eldey, thence north parallel to Market-space, binding on the said M'Eldey's Ground, to the south west corner of a Lot leased by Daniel Bowly, to Elizabeth Beemer, and thence by a straight line to the beginning, agreeably to the plat thereof, together with all the improvements thereon made, and appurtenances thereunto belonging, subject to the yearly rent of sixty eight dollars. The terms of sale will be made known, at the time and place of sale.

JAMES M. BROOM, Attorney, For the Trustees, 55th O

## This is to give Notice,

That the Subscriber, of Charles county, hath obtained from the orphan's court of said county, in Maryland, letters of administration on the personal estate of George Gant, late of the said county, deceased. All persons having claims against the said deceased, are hereby warned to exhibit the same, with the vouchers thereof, to the Subscriber, on or before the first day of March next; they may otherwise by law be excluded from all benefit of the said estate. Given under my hand this first day of September, eighteen hundred and seven.

ELIZABETH GANTT, Adm'r. Sept. 12, 1807. Law4tt

## To Rent or Sell.

The subscribers offer to rent or sell their PLANTATION, situated in Frederick county, on the waters of Little Pipe Creek, about 5 miles distant from the town of Westminster, containing about 238 acres, a suitable part of which is wood and meadow ground.

The above land, is well adapted to the cultivation of wheat, rye, Indian corn, &c. and has two large orchards of Apple and Pear trees, of which the fruits of the former in particular, are of the best kind. The improvements consist of a small Dwelling House, a Dairy with a good Spring of Water, Barn, Stables, Corn House, &c.

A further description is thought unnecessary, presuming those desirous of renting, or purchasing, will view the premises. For terms apply to the subscribers, living near the two mile stone, on the Reisterstown Turnpike Road.

ELIZABETH & RACHEL GIST, ddt

## Five Dollars Reward.

RAN away from the subscriber, living in Garrison Forest, an Apple Pie Boy, named JAMES LONG, about 17 years of age, fair hair and complexion. The a fore Reward will be given for bringing him home to me.

JOHN MALLISTER, 55th O

Requested, That the Columbian Volunteers meet To-morrow Morning, at 8 o'clock, in front of the Court-House, in uniform with side arms.

J. WILSON, Sec'y.

## Sept. 12.

Van-Guard Volunteers—attention! You are required to meet at the usual rendezvous on Monday Afternoon next, precisely at 4 o'clock, with arms complete, but not in uniform dress.

The roll will be called at 15 minutes after 4, and every person then absent fined. WM. H. WINDER, Capt.

You are also invited to meet at the usual rendezvous To-morrow Morning, at eight o'clock, in complete uniform dress, and side arms, to proceed from thence to hear a sermon by the Rev. John Chalmers.

September 12.

Ordered, That the Baltimore Independent Blues meet at the Court-House, To-morrow Morning (Sunday) 13th instant, at half past 8 o'clock, precisely, in uniform, with side arms, and crape on the left arm.

JOHN HUTCHINS, Sec'y.

## Sept. 12.

Regimental Notice. The commissioned officers belonging to the 39th Regiment, are particularly requested to attend at the colonel's quarters, on Monday the 14th instant, at 6 o'clock, P. M. as business of importance claims their attention.

By order of the colonel, GEO. ROHABACH, Adj.

## Sept. 12.

The Baltimore Volunteer Guards are requested to meet at Mr. Meyer's Tavern, To-morrow Evening, (Saturday,) at half past 7 o'clock, on business of importance.

R. Mackubin, Sec'y.

## Sept. 11.

The members of the Friendship Fire Company, Are requested to attend a quarterly meeting of the said company, at their Engine House in Frederick-street, on Monday Afternoon, the 14th Sept. The roll will be called precisely at half past 4 o'clock.

September 12.

Baltimore Union Volunteers, You will meet at the Pantheon, on Monday 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 musket and side arms. The roll will be called at half past three, and absentees fined.

By order of the Captain, JOHN WHITELOCK, 1st Sergt. 3c

The Baltimore Independent Rifle Company are required to be punctual in attending their meeting at the new Market-house, next Tuesday Afternoon, at three o'clock, in uniform, and with arms. Persons desirous of joining this association, will furnish their names to some of the members thereof, with whom they may be acquainted.

Thomas B. Dorsey, Captain