twilight, the same testimony was offered and with that which has been established before the coroner's court, and he was required to give an opinion in almost the same case. Upon this occasion his opinion was confirmed by testimony of the movement of actual force. Troops must be embodied, men must be marched in order to levy war? Again he observed, if the act of treason proved in the case is an act of public notoriety, it must exist in the view of the world at the time and not with all. The assembling of forces in levy war is a visible transaction, and must be proved to exist.

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 remembered that he had just received from the supreme court and was speaking on the very facts on which the opinion of that court was delivered.

The language in his charge to the grand jury was unquestionably intended to constitute the fact of levying war, it is not to be supposed that he would make actually commenced by engaging the military force of the U. S. government of a force against the government of that force consisted in action, and levying war is a fact in the constitution of which force is an ingredient. Any supposition to substitute force the government of the U. S. violently to them which the law gives to put a stop in the administration, to coerce the repeal or adoption of a special law, is a redundancy in the law and if the constitutions be devised into effect by the mere employment of force by the embodying any assemblyd man for the purpose of executing the law, which assemble was previously concerted, it amounts to levying of war. It has been held that treason is a fact to be tried to levying war provided the force assembled be sufficient to enable the traitors to locally attempting the object with impunity. "This principle is immediately followed by a reference to the opinion of the supreme court.

It contains no commentary on these words to show, that in the opinion of the judge who uttered them, any man indicted of men which should constitute the fact of levying war must be assembled in force, and that he so understood the opinion of the supreme court. But that opinion may be found, in the most unpuzzling word of precision, no indecisiveness of expression, which has been so obscure it to be differently understood by different persons, that more was recorded for when it is recollected that in the particular case there was no assemblage whatever. To say nothing that opinion the whole should be taken together, and in reference to the peculiar case in which it was delivered. It is, however, very improbable that the misunderstanding has arisen from this circumstance, it is not unusual for people of the order from which such opinions are expected to overlooking any in reference to the case to the reader, and from the complexion of the opinion, and the case considered the application of the force to the object, as of all things, is indispensable to constitute an assemblage might be in a condition to apply force, might be in a state of readiness to exert force, and having and the actual application of force. These ingredients, which are very perfected in the opinion, it may have been strange that it is thought, hastily, that the principle of assemblage was omitted, and that also might be conclusive to which the opinion of the meeting of many, if a common treasonable end be supposed to them by testimony any that whatever.

It has been thought proper to digress this case at great length to review an opinion of the supreme court, although that case could be more satisfactorily to leave the question of fact, whether an court act of levying war was committed on Blennerhasset's island or not, to rest under this explanation of the law, and to instruct them, that unless the assemblage on Blennerhasset's island was an assemblage in force, was a military assemblage in a condition to make war, it was not a levying of war, and that they could not conclude to into an act of war, than to unveil the further testimony which might be offered to connect the prisoner with that assemblage, or to prove the intention of those who assembled together to that place. This point, however, is not to be underlooed as detected. It will, perhaps, contribute an essential enquiry in another case.

Before leaving the opinion of the supreme court entirely on the ground of the nature of the assemblage which will constitute an act of levying war, this court cannot forbear to ask, why an assemblage absolutely required? Is it not to judge in some creature of the end by the proposition which the means bear to the end? Why is it that a single armed individual, or a single boat and failing down the Ohio, for the avowed purpose of attacking New Orleans, could not be fair to levy war? It is true that he is apparently not in a condition to levy war? It this be fair, ought not the affirmative to be from some evidence of intention and capacity to levy war before it can amount to levying war? And ought not the supreme court, in stating, of an affirmative for the purpose of effecting a treasonable object by force, be understood to indicate an affirmative exhibiting the appearance of force.

The decision of the attorney for the U. S. observes under in this enquiry. It is whom there is an assemblage of men, convened for the purpose of forcing by force a treasonable object, which force is means to be employed before the assemblage dispersed, this is treason."

To read this definition without referring to the argument, we should infer that the assemblage was called to effect by force the treasonable object, not to join in the opinion of the court of law, and then to effect the object by the combined force. Under this construction it would be expected the appearance of the assemblage would bear some proportion to the object, and would be attract their intention. Attention that it would be in an assemblage in force. This construction is most certainly not that which was intended, but it serves to show that general phrases must always be understood in reference to the subject matter, and to the general principle of law.

The division of the subject which respects the merits of the case concerned all with the pleadings two points are also made.

1. That this indictment having charged the prisoner with levying war on Blannerhasset's Island, and contain no charge of treason, the evidence being reported by proof that war was levied at Cap Gerardeau, and Blannerhasset's island, the prisoner ought to be acquitted, because the evidence of the prisoner, even admitting, it to be sufficient to convict him in one common treasonable conspiracy, actually. That admitting such an indictment, and such supporting such evidence, the previous conviction of some person who assembled there, would not amount to levying war, as indictment, and the previous conviction of a person who assisted or procured that act.

As to the first point, the indictment charges the prisoner with the allegation that the prisoner with a number of people unknown, on an island in Blannerhasset's island, in the county of Wood, and state of Virginia, and the other adds the circumstance of their proceeding from that island down the river Ohio, to the place of attack upon New Orleans be force.

In point of fact, the prisoner was not on Blannerhasset's island, nor in the county of Wood, nor in the district of Virginia.

In considering this point the court is not called to enquire whether an indictment for levying war must specially allege the fact of an assembly, if it merely charged the prisoner in general terms with levying war, omitting the expression of place or circumstances.

The place in which a crime was committed is essential to an indictment, necessary to the jurisdiction of the court. It is also essential for the purpose of enabling the prisoner to make his defence. That, all common law, and statutes, which have been defective which did not mention the place in which the crime was committed, have been amended by provisions that it is sufficient to refer to Hawkins, B. 2. c. 25. sec. 6. and Hugh. Ch. sec. 91. This necessity is rendered the more obvious by the general provision that the offender shall be tried in the state and district wherein the crime shall have been committed, and by the act of Congress which requires that the witnesses at least shall be summoned from the county where the crime was committed.

A description of the particular manner in which the war was levied, should be in the indictment, if it be necessary, make his defence. The law does not require the prisoner to be prepared at every act of his life which may be suspected to be with an illegal intention. In common justice the particular fact with which he is charged ought to be stated, and the prisoner ought not to be asked a reasonable certainty of the charge, and the circumstances which will be adduced in support of it. Upon this principle as to the subject of indictments in this case point, Foster p. 146 speaking of the statute concerning the king's death, says, "Provoubt has seen and it has been a common practice for the species of treason, and indeed for levy war, to charge the prisoner with the overt mins an overt act must be alleged and proved. For the overt act is the charge on which the prisoner must apply his defence." *(To be continued.)*

INDEPENDENT WASHINGTON VOLUNTEERS.

THE Members of the *Independents Washington Volunteers*, are requested to meet at the Parade Ground on Capitol Hill, Centre Market, on SUNDAY morning the 27th inst. at 8 o'clock.

JAMES JONES, Captain.

September 23—

State of Maryland,

Saint Mary's county, Orphan's court, September 4th, 1820.

ON application by petition, of James Cooke administrator of Richard Jordan late of Saint Mary's county, deceased, praying that a sale of the estate required by law for creditors to exhibit their claims, to the heirs of said deceased, and that the same be published once in each week for the space of six successive weeks, in the Universal Gazette, Washington City, Baltimore American and Commercial Daily advertiser.

JAMES PERRY, Reg. Wills.

Sale to be made by county.

This is to give notice, that, the subscriber of St. Mary's county, has obtained from the orphans court of St. Mary's county in Maryland letters of administration on the personal estate of Richard Jordan late of St. Mary's 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 4th day of September next; they may otherwise by law be excluded from any benefit of said estate. Given under my hand this 4th sept day August 1820.

JAMES COOKE, admr.

September 4—w6t

WASHINGTON CITY.

WEDNESDAY, SEPTEMBER 23.

AT a Meeting of the Board of Trustees of the Institution for the education of Youth in the city of Washington, U. C. Present, the President of the Medical CHAIR, the *Western School*, be postponed until the 2nd Monday in Nov. next, when the applications for the said place be considered by the Secretary until that day.

WASHINGTON SOYER,
Secretary Board of Trustees.
September 23—w

By virtue of a precept of the Secretary of the Navy of the 12th inst. a Court of Enquiry will be held at Norfolk on the 25th of Oct. for the trial of Commodore Barron. The court will be composed of the following officers, viz.

Capt. Alexander Murray, President.

Capt. Isaac Hull, and
Capt. Isaac Chauncey.

These gentlemen are the same with those previously appointed, with the exception of Commodore Perrie, whose long illness at Norfolk has prevented the court from sitting at an earlier period.

Extract of a letter from Charleston (S. C.) dated, Aug. 27.

"The Yellow Fever is now raging with great violence in this city and Sullivan's Island. The times are precarious and truly alarming—Numbers are daily leaving the city, and in a few days after being attacked with this dreadful distemper.

A bill has passed both Houses of the British Parliament making Canadas a free port to Foreigners.

His Excellency the governor, has expressed the Thanks of Congress into the senator in the Congress of the United States, in the council of Ac. Bulletin, *Sentinel (Geo.) July.*

NOTICE of the observations of Publicists and other writers.
(CONTINUED.)

"We come now to that part of the report, which relates to the proposition, calls for our notice, inasmuch as they are principal subjects of the report, and as the comparative effects of a war on the United States and Great Britain, are the principal grounds of this Print. Before we come to relate the particulars of the report, we remark, which is altogether intended for the wise and reasonable, that the report does not specificated on the idea that a war with Britain was in any respects desirable, if it could be avoided, were, without the impression that a war with Britain would necessarily be such a war. They were, at the same time, perhaps, aware that the consequences necessarily would exist, and the consequent consciousness of the great importance of the subject, and the awful an event. While, on the one hand, they shrunk from the hazard of the evil of war in its full extent, it was also, on the other, their duty to provide, not necessary to state our resources for a contest, and the relatively consumed, and the relatively consumed. It was admitted that a war would inevitably, if it should be, be conducted at that it would injure Britain most, and the consequence of the injury would should leave us no alternative, we had no reason to fear the issue. It was even by no means certain that Britain would be more injurious Britain herself, than we, by shutting the ports against her own interests demanded we have a prospect of the injury we had sustained. It was believed that nothing could present to her this appeal with more force, and more direct attention, than the sight of a great nation, ready, in the cause of its rights, and in defence of interests essential to its prosperity, to encounter the hazard, and to embark its undivided resources. This was the view with which these gentlemen, and those who, in the succeeding year, they incorporated people, by a sense of the Americans, and the war, in case of necessity, ready for war, and to submit, in case it be gone, to wage it with spirit, and had the means of dealing a severer blow than they should receive, insure a more strong inducement, perhaps the strongest, to a pacific disposition, and presented to Britain, to grant that reparation which she could no without disgrace to herself.

The facts and principles assumed by the report, are, principally, contained in Publicists, the first are proposed, and the second, and the third, was said that our means of injuring a foreign enemy were at least as considerable as those of the revolution, that our circulating species is ten times as great, and the war, in consequence, would be, in comparison, ten times more distressing to Britain than it was in the revolution. But, at this, it will be perceived, is given to understand that, and pace as upon a With respect to the first point of the research was made but to the contrary effect. Some of the ideas were drawn from the first acquainted with the subject, which they relate. I refer to the revered authorities would be to swell these pieces to too great a length. Indeed, so far as we have been able to learn the opinion of others, we believe the facts are not contested, but rest by the particular friends of Great Britain who form the small a portion of the community, to merit attention. The following is, however, the substance of the national Tables, which are principally derived from official documents. It which fully establish the facts of the foregoing. At the commencement of the revolution our numbers were not two millions, and a half; they are now more seven millions. The number of dwelling-houses have increased from 500,000 to 1,350,000. The improved lands have increased from twenty to twenty millions of acres, the average value of which has risen from five to six dollars; and still greater proportions the rise has taken place in the value of the immense tracts of unimproved land. The number of horses has increased from 1,700,000 to 4,000,000. Neat cattle from 600,000 to 3,000,000. We have a stock of sheep 10 millions in the spring and fall bridges, entirely unknown since the revolution. The tonnage has increased from 400,000 to 1,700,000; and our seamen from 35,000 to 75,000. Our imports, from 100,000,000 to 1,500,000, our imports from twenty to fifty millions, and our exports in nearly a correspondent ratio. Besides all which the revenue has risen from one thousand millions of acres of Western lands, over a million are sold and the revenue from which is arrear.

It is not a little curious that both the Whig writer in defending the report, he does not condescend to adduce a single supporting fact. Nothing appears, but a simple negative. He gives us however, something like a fact, when he says he is satisfied, Britain is said to have greatly increased her resources—her revenue is said to be five times as great, and her navy twice as numerous as in the revolutionary war. He thought this he replied with exaggeration, what is it? Nothing, but the mere capacity to figure up? No such thing. The simple question is, is the revenue, opinion as to the fact, or the fact, is the revenue? Most persons of sense and reflection will be satisfied, that the fact, without exposing herself to immediate ruin, was, has been, and is increased, but to cause of the increase of her debt, of her civil list, of her navy, perhaps, and of her standing her powerful resources which are stated, almost over the world, to be, in many of them, which should be taken into account, and which, in the case of a war, would be, in the most strenuous exertions, and that the opinion, that the opinion, that the opinion,