second mate with two hands repairing the main-top sail; two on the starboard side of the main deck spinning spun yarn—two more on the forecastle making sinnett—two others on the larboard side of the main deck running shot in the armorer's forge—the cooper was making tubs—the cook and captain's steward in the gally at their duty——and all hands, as usual, employed on the ship's duty; the armorer was in the steerage, and the boatswain in the cabin; Capt. Porter, Mr. Ratstraw, his clerk, and Mr. Lyman Plumer. (nephew of Theodore Lyman esq. of Boston, ship's owner) were standing on the larboard side of the quarter deck, abreast of the cabin hatchway. The chief Kiete stood leaning on the rail, and called capt. Porter to look at the skins that were in a canoe along side the ship; the capt. accordingly went to look over the side, when the chief, with some more Indians, laid hold of him and gave a shout; immediately all the Indians along side in their canoes, and those on board, armed with daggers, pistols, pikes and other weapons, seized every man on deck who were totally unprepared for so sudden an attack. A most dreadful and sanguinary contest immediately took place; when after a short but bloody engagement of about 5 minutes, the deck was completely cleared of them.

There were about 200 Indians, it is supposed, on board at this time. They first daggered capt. Porter several times in the back put him in a canoe along side, and carried him on shore; and, as we were afterwards informed by the New Heita Tribe, was by them tied to a tree, in which unhappy and miserable situation he languished 15 days refusing every species of nourishment offered him by these savages, occasioned by his grief at this unhappy accident.

Previous to this fatal business there were 23 hands on board—10 of whom were barbarously killed, and 9 wounded. Among the killed are captain Oliver Porter, Mr. John Hill, chief mate, Daniel Gooding, second mate, John G. Ratstraw, captain's clerk, Mr. Lyman Plumer, Peter Spooner, Luther Lapham, seamen, Isaac Sammes, cooper, and John Williams, cook. Mr. Lyman Plumer survived about 2 hours after he was wounded. The cook, who was most shockingly cut and mangled, languished till about 6 o'clock the next morning.

Among the wounded were Ebenezer Baker, seaman, most dangerously, with daggers, he having two stabs in his left thigh, one in his privates, one in his back, one in his breast, and one in his neck; Henry Thompson, seaman, very dangerously with daggers—having one wound on his right side, one on the left shoulder, another on the left arm, and two or three smaller ones on the same arm, one on the right temple, and another on the left cheek; Ebenezer Williams, seaman, had three wounds in his thigh with daggers, two on his back, and one on the right shoulder with a boarding pike; Luke Bates, seaman, wounded on his right shoulder with a boarding pike; Joseph Robinson, carpenter, wounded on the left breast; Thomas Edwards, steward, stabbed on his left shoulder; William Walker had two stabs with daggers in the small of his back.

After the decks were cleared of these sanguinary savages, several guns were fired at the village; the sails were loosed, stream cable cut, and the ship put to sea. The same night she got under way, 7 large war canoes hove in sight, with about 30 Indians in each. In this deplorable condition, with only four or five hands on board capable of duty, the Atahualpa shaped her course for New Heita, but the wind chopping round, put about and stood to the westward.

On the 17th it was thought time to bury the dead; when after having sewed them up, and got them ready for interment, prayers were read. They were then buried in Queen Charlotte's sound.

It cannot be ascertained with any degree of accuracy how many of the Indians were killed in this dreadful contest; it is supposed however that the number must have exceeded 40—for a large canoe being under the ship's bow, with about 20 Indians in her, who were cutting the stream cable, a swivel and several musquets were fired into her, and but one Indian reached the shore.

During the conflict with the savages there were two barrels of powder unheaded, and a loaded pistol prepared & given to a person who stood ready, should they get into the cabbin and secure to themselves the ship, to fire into it and blow the whole up, preferring to die in that manner, rather than fall into the hands of such merciless wretches.

TWENTY DOLLARS Reward will be given for apprehending and delivering to the subscriber living at Hooe's Ferry, King George county Virginia, a runaway lad named JACK he is between 18 and 20 years of age, low well made & very black, his back is much marked with the whip, and since becoming my property was put to the carpenter's trade, when he gave himself a wound with an adze on one of his heels, I think his right, which occasions him to use that leg a little stiff—he was seen in Vienna, Charles county Maryland, and I suppose will get as far as possible in that state. Should he be committed to jail, the jailer will please inform me, immediately by post, directing his letter to the post office at King George Court House, or to Henry Suttle at George Town,

Masters of vessels and others are forewarned harboring or taking him off at their peril.

ABRAM B. HOOE.

Barnsfield, August 10—epaw&w3t.

WASHINGTON CITY.

MONDAY, AUGUST 18.

WE have frequently had occasion to hold up to reprehension the idea expressed by federal men of the probability of an early dissolution of the union. Believing such an idea founded either in sinister political motives, suggested with a view of effecting particular ends, or in a total ignorance of the nature of our institutions, we have invariably considered it as meriting ridicule or abhorrence.

If it be a fact that the peace, the liberties and the happiness of these states depend on their union, is there not a high degree of criminality in disseminating opinions, whose tendency may be to destroy the conviction of its importance which has hitherto so generally prevailed, and on which its duration must eminently depend. In the proudest days of Rome it was considered treasonable to despair of the republic. Let us consider it treasonable to despair of the union of these states; not in a legal sense of the term, but in its popular acceptation. Let public opinion vigilantly regard and rigidly denounce every sentiment that is expressed in favor of a separation.

We are led to make these remarks by the following animadversions taken from the Public Ledger.

"It must, we think, occur to any one who reflects upon the subject, that the separation of the Western from the Eastern States, is an event not very far distant, and which the acquisition of Louisiana must accelerate. It would not be saying too much, if we were to say that this separation would have taken place before now, but from the objections, which the publication from the World manifests, that existed with many to join a foreign government. Against Spain and Great Britain weighty objections existed to each, but now having become sufficient in numbers & wealth, and with increasing reasons for separation, we cannot forbear repeating our conviction that it will soon happen.

"Of Louisiana—We cannot read the proceedings in this day's paper, without feeling an increased conviction that the acquisition of that country will prove a sourse of disquiet. An attentive perusal of those proceedings, and the address, will supercede the necessity of any comments of our own. They prove that men of different languages and habits, are not calculated to live contented under the same system of laws. William of Normandy, did not find it difficult to seat himself on the throne of England; but neither art nor force, could substitute the civil or Roman law for the Common law. The kings of England, who held extensive dominions in France, did not attempt to introduce the common law into that country. Bonaparte, at this day, with all his power could not force the common law of England upon the people of France, and the people of England could never be brought to receive the Roman law. The Tartars when they conquered the Chinese could not conquer their laws and their customs, but were conquered by them."

We do not recollect to have seen such an unqualified declaration in favor of the probability of an early dismemberment of the union, as we are here presented with. We are willing, in this instance, to ascribe the opinions of the writer to levity, to political prejudice, or to an ignorance of the true character of our political institutions. Montesquieu told the world half a century ago that the existence of a republican government was incompatible with an extensive territory. The unreflecting part of mankind, taking this opinion as their oracle, have continued in every possible form to repeat it, until the frequency of the assertion has made many receive it as an undisputed truth.

But highly as we respect the penetration, and admire the eloquence of this great man, it is no disrepect to his memory to say, that his error on this subject arose from his omission to take into consideration the principle of representation founded on the possession of equal rights. The world had not, in his time, or antecedent to it, furnished an instance of the existence of this principle. It had only exhibited a dismal catalogue of mock republics and undisguised tyrannies, in which power was awkwardly conferred and viciously exercised. It was reserved for the American people to establish a new political era, by instituting forms of government in which this important principle was developed, and fortified, not less by judicious restraints and provisions, than by the existence of a state of society admirably adapted to a successful trial of the great experiment. Even the clumsy systems, previously set up under the name of free governments, had risen in the bosom of a corruption fatal, probably, to their existence, although they had been devised with infinite wisdom. The American people were the first among the civilized nations of the earth who instituted free governments during the prevalence of pure manners and uncorrupted morals. It is here then, and here alone that the great experiment has ever been tried under circumstances in the least favorable to success.

There is one consideration necessary to be superadded, of great importance, and of which Montesquieu appears to have been fully sensible. This great man, by the legacy he left the world, seems to have had a glimpse of the confederacy which has since been formed by us. Those who are conversant with his writings will recollect the enthusiasm with which he dwells on the character of a federation of states, as fitted to give stability and energy to governments. This federation has been established; and it is this organization of power, founded on the principle of equal rights and a fair representation, that will probably give a greater duration to our system than to any which has hitherto existed. The frailty and destructibility of the systems of government which have hitherto subsisted in the world, have arisen principally from the inability of one government, situated at a great distance from the extremes of the empire, to make itself acquainted with the wants or interests of men so distant, and from an inability to maintain the authority of the laws. This rock, on which every other system, despotic as well as free, has hitherto split, is now for the first time removed by the admirable system we have established, which consists in a division of local from general powers, by assigning the former to a *state*, and the latter to a *federal* government, both responsible to the people, and each preserved in its proper orbit by the other.

If these remarks be correct the boasted experience of ancient days sheds but a faint light upon our destiny, and we should pay but little regard to those political croakers who would draw a parallel between our situation and that of the ancient republics. Our own experience of thirty years will, if properly improved, bring us more lessons of wisdom than are to be found in the legends of ancient or modern story. What does this experience prove? It proves that, under a loose confederacy, a population of less than three millions were enabled to break the chains fixed upon them by the most powerful nation in the world. If such was the result of a loose system, what may not be expected from one, the powers of which are more admirably organized than those of any government which ever before existed, & which are upheld by a population exceeding six millions, rising at the annual rate of two hundred thousand souls?

It proves that a confederated system has stood firm for thirty years in the midst of a corrupt and distracted world, the greater part of which has been by turns our open or secret enemies.

It proves that such a system is competent to protect communities in the undisturbed enjoyment of peace, while every other part of the world is in uproar.

It proves that under such a system communities are enabled, by the exertion of the faculties of their individual members, to develope greater resources, and to rise more rapidly to respectability, than under any other system which has heretofore prevailed.

It proves that such a system, built on the adamant of public veneration and affection, is equally calculated to resist the concussion of internal party or foreign violence.

Let it be recollected that during the whole of this period the *actual* limits of the United States have been rapidly encreasing by the erection of new territories and the establishment of new states, which cover more ground than was previously occupied. Already, in the course of a few years, we have beheld three states added to the confederacy, which contain a population exceeding six hundred thousand, who are as sincerely devoted, by ties of respect and affection, to the federal head, as the oldest members of the confederacy. Besides these, we have four prosperous territories, which, in a few years, will become as many states, and enjoy, in common, all the attributes of sovereignty. In one only of these some slight dissatisfaction prevails on *subordinate points*. We say on subordinate points. For it appears from the very document appealed to, that, whatever diversity of opinion exists as to the code of laws which shall finally prevail, and the men who shall be charged with the administration of the government, there is no difference in the sentiments entertained towards the federal government. All agree in the vast benefits derived from an union with the United States. This dissatisfaction then is only momentary; it is, in some measure, the offspring of their territorial condition. In a short time the people of the territory of Orleans will be entitled to claim the precious rights of self government, and will then possess the entire management of their local concerns. It is on the denial of this right that faction builds its most sanguine hopes, which will be blasted as soon as it ceases to exist. On the arrival of this period, the major population of the territory will have become American, and there can be no doubt that American laws and manners will prevail. This will be felt as a grievance by a few Frenchmen. It will, however, be imaginary; for the change will be in every important respect for the better. The possession of property will have become more secure, the condition of the people will be elevated, industry will be more active, American enterprize will open new channels of wealth, and the people will form part of a great empire, whose sense of justice will neither allow internal oppression or external aggression.

The legislature of Georgia has made the following disposition of the lands obtained for that state by the United States from the Creek nation.

The whole territory, with a few reservations, is directed to be formed into surveys of 202 & a half acres. These surveys are directed to "be distributed by a lottery, in which persons are to be entitled to draws, as follows: every free male white person, twenty one years and upwards, who is a citizen of the United States and has resided in Georgia three years, and paid a tax towards the support of government, (including such as may be absent on lawful business) one draw; every free male person of like description, having a wife or legitimate child or children, under the age of twenty-one years, two draws; all widows with like residence, one draw; all free female white persons, who have arrived to the age of twenty-one years or upwards, and have resided as above, and are unmarried, one draw; all families of orphans residence as aforesaid, under the age of 21 years, whose father is dead, one draw; and all families of orphans consisting of more than one, who have neither father or mother living, two draws; but if only one, then such orphan is to have one draw, the draws of orphans to be entered in the county and district where the eldest of each family of them resides.

"No person who drew a prize or prizes in the late land lottery, is to be entitled to any draw or draws in the one now contemplated."

"Persons against whose names lots of land may be drawn, are to receive grants for the same, on paying into the Treasury of the state, six dollars per hundred acres."

This disposition of lands evinces much liberality and intelligence. In this country, nothing can be more desirable or beneficial than such a distribution of lands as shall tend to divide with some equality this permanent source of independence and wealth, as shall tend to maintain a preponderance, in point of numbers, of the cultivators of the soil, as shall diminish the number of tenants, and as shall effectually prevent those scenes of speculation, which have done more to deteriorate our morals and degrade the national character than all our other vices and follies.

FROM THE AURORA.

THE SPANISH EX-AMBASSADOR, YRUJO, *versus* *THE LIBERTY OF THE PRESS.*

The case adverted to in the *Aurora* of Saturday, under the head of Habeas Corpus, was yesterday determined—we shall now lay before our readers a circumstantial account of the origin and progress of this case, which establishes some security for the freedom of the press.

On the 4th day of August the editor of this paper was served with a sealed letter, delivered by the clerk of the mayor of this city, of which the annexed is a copy—(A)

Without adverting to the hour mentioned in the letter, the editor next day at 11 o'clock, waited on the mayor, and the following conversation took place.

Edit. Sir, I received a note from you, and am now come to enter into recognizance for my appearance to answer those complaints or any other that may be made against me.

Mayor. The hour I appointed for your attendance is 3 o'clock.

Edit. I did not advert to the hour, but as it may be equally effective to the ends of justice, I will now enter into a general recognizance to meet these or any other suits that may be hereafter instituted.

Mayor. I cannot accept it at this time—there is no oath made, and the witnesses are summoned to appear at 3 o'clock.

Edit. I am willing to dispense with the usual form of an oath, and to give security as if an oath had been made.

Mayor. I cannot depart from the regular course—the oath must be made—there is no charge till the oath is made—you must attend at 3 o'clock.

Edit. I shall certainly attend at any hour that the magistrate may direct; but I respectfully conceive that as the only end to be obtained is the furtherance and fulfilment of justice, that security for my appearance given now would fully accomplish the end; I will take upon myself the responsibility.

Mayor. You must attend at three o'clock.

Edit. I certainly shall, sir.

Accordingly, punctually at 3 o'clock the editor attended, and presented himself to the mayor—the conversation was to this effect.

Editor. Sir, I am now before you to offer my obligation to attend on those suits.

Mayor. The witnesses will be here presently.

Edit. Witnesses I apprehend are not requisite, if I consent to give security—and especially as I mean to remove the suits to the supreme court.

Mayor. You will please to sit down a few moments and the witnesses may appear.

The editor then retired to where there were some books and read about half an hour; he then presented himself to the mayor, and the following conversation took place.

Edit. You will much oblige me, sir, to take my recognizance, as this loss of time is to me of some consequence.

Mayor. I cannot go out of the usual course—I wish to proceed regularly—the witnesses will be here presently, one of them is come.

Edit. Surely, sir, if you are secured in my appearance, is it not enough—it looks like a vexatious proceeding to keep a man here doing nothing when the ends of justice may be as effectually obtained in the usual way.

Mayor. I am proceeding in the usual way.

Edit. There have been near sixty malicious suits of this kind instituted against me within a few years, and you are the first who proceeded in this way; you know perfectly well that there is no danger of my running away, or not appearing.

Mayor. I do not think you mean not to appear—but there is a regular mode of proceeding, and I will not depart from it.

The Mayor's clerk, (no doubt as *amicus curiæ*)——Mr. Duane will acknowledge the papers.

Edit. The gentleman is perhaps *very wise*—but I have learned from my experience of *common law* to confess nothing.

The mayor then called a person whose name is not recollected, and administered an oath to him, and asked him if the three newspapers which he produced (of the 11th, 12th and 14th of July) were purchased at the Aurora office, which the informer answered in the affirmative; he then asked if the writing in a paper attached to these newspapers was the hand writing of the informer, which he answered in the affirmative—the mayor then addressed himself to the editor.

Mayor. You, William Duane—Here he read a form of recognizance marked (B.)

Edit. You require security for good behavior; there is nothing to authorize that.

Mayor. It is the usual form, sir.

Edit. If there was nothing in it but form I should not object—but I cannot submit to it without an oath to authorize it.

Mayor. I cannot alter the form.

Edit. Certainly, sir, you can do as other magistrates do; if there was any charge or even apprehension of my breaking the peace, I should not refuse.

Mayor. It is a mere matter of form; such as I pursue in all cases—you had better consider it.

Edit. Sir, if any one has made oath, or if any one will make oath or affirmation, that I either have or that they fear or are apprehensive that I shall break the peace, I shall not object to give security; but surety for my appearance is I think all that you are authorized to require, and I will give no other.

Mayor. Is the other witness there, is Mr. Hight come? The mayor's clerk or a constable said he was not:—the mayor then said he would issue an attachment against the other witness, & that the editor should attend at 11 o'clock the next day.

The editor again tendered to enter into recognizance generally, and render the appearance of another witness unnecessary; and observed that if the mayor wanted any additional security beside his own recognizance, he should have it. The mayor replied, that the editor's own recognizance would satisfy him; and the editor then retired.

As this business had caused considerable public discourse, and as the editor apprehended, on the first blush of the mayor's proceeding, a meditated design to involve him under the pretence of *bail for good behavior*, in vexatious suits at law, such as had been formerly instituted when the editor was bound over to keep the peace, in consequence of a meeting required of Joseph B. M'Kean, soon after the riot of which he was the leader, in 1799—and upon which a suit was instituted for a breach of the peace, in publishing some animadversions upon the rioter—he had determined to stand on constitutional ground, and not be either an instrument by which the courts of law should be converted into engines of tyranny, nor suffer, through him, the establishment of a precedent which, in its consequences, would go to an arbitrary subjection of the press, more grievous than that of the institution of a licenser; he accordingly determined to go through the whole magistracy, and if one refused to seek another, and to go and perish in gaol, before he would submit to this arbitrary course of proceeding.

Accordingly he waited on alderman Shoemaker, and before him stated the case, and made the following affidavit, marked (C.)

Whereupon Mr. Shoemaker took the recognizance of the editor, as appears by the two certificates following, marked (D) and (E.)

Immediately on entering into recognizance, the editor wrote a note to Mr. Inskeep, to the following effect, if not in the actual words—it is stated from memory.

John Inskeep, esq. mayor,

SIR,

Politeness requires that I should inform you, that I have entered into recognizance before an alderman for my appearance at the mayor's court in the two suits of which complaint was made before you; as it may save you further trouble, and will account for my not attending with the usual punctuality.

I am, &c.

WM. DUANE.

August 6, 1806.

This letter was sent by a constable from Mr. Shoemaker's office, who was questioned by Mr. Inskeep if he, the constable, had seen the editor enter into recognizance; which the constable told the mayor he had.

On the next day between 10 and 11 o'clock, the head constable of the city called on the editor, and presented him a letter, of which the annexed is a copy, (F.)

To which the editor made reply by taking from his pocket the original *supercedeas's*, marked (D) and (E), and presented them to the constable, saying, "these are my answers."

Thereupon the constable drew forth a state warrant as he said, and arrested the editor, who immediately changed his clothes and went with him.

It will be observed that in the letter of alderman Shoemaker, the mayor had imposed on him, by alledging that the editor had entered into recognizance in one case and not in another. Against this shameful proceeding the editor remonstrated and protested; and the mayor persisted; and he again de-