

pedition or enterprise; second, that he had provided and prepared the means for the military expedition, and, lastly, that the military enterprise was to be carried on from thence against the territory of Spain, with whom the United States were at peace.

*Samuel G. Ogden, sworn.*  
Do you know Col. Smith?  
Yes.  
How long have you known him?  
I have known him as a gentleman 3 or 4 years.

Have you ever seen him and Miranda together?  
Not lately; I saw them in the month of January last.

Did Smith introduce Miranda to you?  
He did.

Is Miranda a citizen?  
I believe he is.

What was the object of your meeting with Miranda?  
Col. Smith introduced Miranda to me as a man of science.

Did you ever hear Col. Smith say anything about the Leander expedition, and what did he say?  
If the question has any relation to the charge against Col. Smith in the indictment, I will not answer it; if it be a general one having no relation to it, I will.

[The defendant's counsel advised the witness not to answer the question, affirming that as he was under an indictment charging him with a like offence, his answers might criminate himself.]  
Have you seen Col. Smith and Miranda together since, and where?  
I have seen them on the Battery, and at several other places.

Did Miranda apply to you to charter the Leander?  
It is not a proper question.

Did Miranda charter a vessel of you?  
I will not answer the question.

The Judge decided that the two questions to which Mr. Ogden objected were proper, but the counsel for the prosecution waived them and dispensed with a further examination of the witness for the present.

*Dr. Romaine, sworn.*  
Do you know Miranda?  
Pretty well.

Have you known him for some years?  
Yes, twenty.

What countryman is he?  
By general repute he was born in Carracas.

Was he ever in the military service of Spain?  
I have understood from himself and others that he was.

*David Gelatin, Collector of the Port of N. York, sworn.*  
When did the Leander sail from New York?  
The 23d of January, from the Narrows the 2d of Feb. 1805.

Did she clear out for Jacmel?  
Yes.

Have you the clearance with you?  
Yes; produce it. The witness also produced the manifest of her cargo, by which it appeared that various items of merchandise were entered in it, as a cover.

When did the Indostan, and her accompanying vessels, clear out from N. York?  
The 23d of December 1805.

Was Thomas Lewis Captain of the Leander?  
Yes.

*John M. Lean, Commissary of Military Stores, sworn.*  
Did you in January last sell Capt. Lewis of the Leander some military articles and what?  
The defendant's counsel objected to the question.

What were the articles you sold Capt. Lewis in January last?  
Some matches, powder horns, and other small matters, such as Capt. Lewis had bought before for Mr. Ogden.

Have you a minute of the articles?  
Yes; produces it.

State what the articles were?  
Why it is but a very trifling; there is neither pistol, musket nor—See what is hands the papers, which was read and contained a minute of various small military articles.

Who paid you for these articles?  
I held Capt. Lewis's paper for them.

Did you not see at Moore's when in company with Capt. Lewis and Mr. Ogden, a quantity of arms for them?  
Yes, six or seven boxes.

Did you not see some also at Mr. Allen's?  
Yes a great quantity of muskets.

Were they packed in boxes for them?  
Yes all figural.

Did Captain Lewis apply to you for muskets, &c. for the Leander?  
He did, and said he would replace what I would let him have from the Arsenal; he did not get any.

You was on board the Leander and saw there two pieces of cannon.  
Yes, which I wanted to buy, but which were sold to some other persons, and were on board the Leander.

You saw cannon besides those mounted for the ship.  
Yes. [The witness purchased for merchants military articles for India and European voyages, but there were no matches bought for the Leander than were necessary for several voyages.]

*General Stevens, sworn.*  
Did you sell any guns to Capt. Lewis in January last?  
Yes; 2 nine's.

Did they go on board the Leander?  
I did not ask where they were going.

They were delivered?  
Yes.

*Cross Examined.*  
Are not warlike implements exported by merchants?  
Yes they are articles of exportation, like all other produce. I suppose 50,000 stand of arms have been exported from New England.

*Richard Belden, sworn.*  
Did you not sell Captain Lewis in January last some swords?  
Yes, 150, and 80 pair of pistols. They were delivered on the 23d of January.

Were you paid for them?  
Yes, by Mr. Ogden's note.

Were the swords for cavalry?  
Yes all of them.

Did you understand that they were to go on board the Leander?  
Mr. Ogden wanted them packed to go on board a ship but did not mention what ship. The articles purchased amounted to \$1500.

*Jonathan Ogden, sworn.*  
Did you sell Captain Lewis any military stores in January last?  
Yes; 50 quarter casks of gun powder, worth \$25 a cask.

*Cross Examined.*  
Is not gun powder an article of merchandise?  
It is.

*Benjamin H. Smith, sworn.*  
Did you sell any arms to Major Armstrong in January last?  
I sold him 250 sets of belts and pouches for rifle-men.

Were you paid for them?  
I took to Mr. Ogden for pay.

Were there any other articles?  
Some saddles.

They were to be ready by a particular time?  
Yes.

When were they done?  
By the 20th of January.

What trade were they for?  
I cannot tell; I have before made such things for Mr. Ogden.

*Bernard Hart, sworn.*  
Did you sell Capt. Lewis any warlike implements in January last?  
I sold him 15 guns on the 8th of that month.

Who paid you for them?  
Mr. Ogden.

Were they marine or land guns?  
I do not recollect.

*Abraham Van Nest, sworn.*  
Mr. Van Nest said he made in January last 250 belts and as many cartridge boxes for Major Armstrong.

I have been paid by Mr. Ogden, or I look to him for pay.  
*Jonathan Fay, sworn.*

Did Capt. Lewis apply to you last January to purchase arms? Yes, but not being at home he requested Mrs. Fay to tell me to make out a statement of all I had of all sorts, and he would call again.

Did you see him yourself?  
Yes, and he ordered them to be got ready.

What were they?  
Muskets, pistols, and cutlasses; about 25 muskets, 25 pistols, and 23 cutlasses. Are these all?  
Yes, he would have taken more if I could have got them ready. The witness said they were delivered on the dock near the Leander in open day, but he could not say that they were put on board.

Who paid you for them?  
Mr. Ogden.

*Cross examined.*  
Was the expedition of the Leander of public notoriety when you sold the articles?  
It was talked of in several places where I was.

At what time in January was it that the expedition was matter of public notoriety?  
About ten days before the Leander sailed.

*By the counsel for the prosecution.*  
What do you mean was matter of public notoriety, that the vessel was going to sail on some voyage or that she was going to Carracas?  
That the Leander was going to sail and was taking arms on board, but where she was going to I did not know, nor had I heard; it was a secret.

*Wm. Fosbrook, sworn.*  
You are a cutter.  
Yes.

Did you last winter sell Capt. Lewis a parcel of swords? I did.

When?  
The 25th of January; 129 swords and some other military articles.

Who was to pay for them?  
Mr. Ogden.

*Wm. Allen, sworn.*  
Did you sell some arms last winter to Capt. Lewis and Mr. Ogden.  
I did; 200 muskets.

When?  
In January.

Were they put in boxes?  
They were.

Who paid you for them?  
Why what pay I did get, I got from Mr. Ogden.

Adjourned to Saturday at ten.  
Saturday the Court met; present Judge Tallmadge. As a child of Judge Tallmadge had died this morning the Court was but opened to adjourn to Monday at nine o'clock A. M.

*William Merryman.*  
I inform his friends and the voters of the city and county at large.

THAT he continues to solicit their patronage for the office of Sheriff, at the ensuing election.  
July 28

### American, AND COMMERCIAL DAILY ADVERTISER MONDAY, JULY 28, 1806

Yesterday afternoon between 3 and 4 o'clock, in the case of the United States vs. Col. Smith, retired to make up their verdict, and at dusk returned one of NOT GUILTY.

We shall proceed from day to day, if leisure and health permit, to report this extraordinary trial, that the public may know the grounds of the verdict. In doing this, we shall pay the strictest attention to truth.  
(American Citizen.)

*Extract of a letter from Martinique to a gentleman in Norfolk, dated June 26.*

"American and French produce (indeed I may say every article of import) low, while the produce of this island is comparatively high. Sugar 9 to 7 dollars per cwt.—Molasses 30 cents per gallon.—A cargo of good Claret from New-York sold here yesterday at \$22 a hogshead, and at \$4 per dozen.—Flour is on the decline, \$9 in barter is the price this day. Shingles \$7 per M.—Corn \$3 50 cents per bbl.

In late New Orleans papers we observe, that no less than 63 flats or arks, from different parts up the Mississippi and Ohio, had arrived there with the produce of our western country, in one week.  
N. D. Adv.

Capt. Darrell, sailed from St. Kitt's, on the 3d inst. and informs, that he saw a person directly from Montserrat, who told him that a French squadron of 6 sail of the line, 3 frigates and 2 brigs, were lying off and on that place, and burnt several British vessels in the harbor. This is no doubt Jerome Bonaparte's squadron, last from Fort-Royal.  
N. Y. pap.

#### COMMUNICATION.

As it may be a circumstance not known to the persons concerned in the Manufacture of Spanish Brown in the Jersey, or the public, that Calcined Oehre is a Cement when used with Lime, for Water Buildings, equal to the Terra-Pozzolana, gaining a degree of hardness by time equal to the stone, and as this cement has I find been of late imported in considerable quantities, I conceived it might be of some utility to the public to be made acquainted with the above fact, especially as I have no doubt those engaged in the manufactory aforesaid might modify the process so as to afford this useful article much cheaper than that from Europe. See Chaptal's Chemistry, article *Placenta Productas*.  
(Phil. paper.)

A letter from the West-Indies, dated the 5th inst. received in this city, states, that the squadron of which Jerome Bonaparte's ship was a part, had slipped out of Martinique; and that British squadron of 4 ships of the line were in pursuit of them. [These must have been the fleets seen by Capt. Patterson of the sch'r Governor McKean. The result of their engaging may of course be daily expected.]  
Ibid.

The number of Dollars imported into China by American vessels, in 1803, 1804 and 1805, amounted to 4,657,300.

*Extract of a letter from Capt. Payne, late master of the Braver, dated Cape-Francois, July 7, 1806.*

"I am sorry to relate to you, the loss of the sch. Beaver. On the 26th of June, lat. 26 N. long 68 50 W. the weather clear and a light breeze from S. W.—at 9, A. M. squally, took in all sail except the foresail and jib, and the fore top sail clued down, passed two heavy squalls under that sail, then calm for one half hour. At 7, was struck with a sudden puff of wind which upset the schooner, before we could get the other sails down; then we cleared the boat as fast as possible, and got her clear of the wreck as she was sinking, and we got in the boat and cut away all the yards and rigging as fast as possible, found she still was sinking, got in the boat and lay off some distance. We picked up only 2 pieces of pork and saved nothing but our lives & what we stood up tight in. On the 30th, at 5 P. M. saw a sail standing towards us, we immediately pulled for her which proved to be the sch'r. Viper, captain Hutchinson, of Philadelphia—at 6, took us on board and proceeded to Cape-Francois, where I went on shore and noted a protest, but shall take the first opportunity to return as speedily as possible.

N. B. The people have shipped to go to Jeremie and then to Philadelphia, to sail in 60 days and Mr. Thomas has got a birth with captain Israel to St. Bartholomews."

*From the Merchants' Coffee-House I took.*  
July 26.

Arrived, sch'r. Edward, Parrot, 16 days from St. Pierre's, (Mart.) office at Mess-lasse—Wm. Patterson and Sons. Left there, 10th inst. brig Greenwich, W. H. for Baltimore, in 10 or 12 days, and several others, belonging to other ports—names not recollected. Spoke nothing on the passage.

Also, British brig Dasher, Wells, 17 days from Trinidad—Sugar and Rum—G. b. Wood. Left schooner Alexandria, Hand, of Alexandria; and ship Clyde

Alcorn, to sail 14th instant. In lat. 27, long. 68, spoke sch'r. Three Sisters, Hollis, for New-Province, with stocks.  
July 27.

Arrived, sch'r. Hope, Watts, 22 days from Curacao—Coffee, Cocoa and Dye-woods—Jas. Owings and Samuel Campbell. Left there, brig Regulator, Chase, for New-York, 2 d. y. s. sch'r. Independence, Evans, Philadelphia, in 10 or 12 days; Nancy, Jones, New-York, 5 or 6 days; Americanus, Parker, just arrived. The brig President, Bell, sailed 5 days before for Alexandria. July 11, spoke brig Industry, Wheeler, 38 days from Boston, for City St. Domingo. 12th, brig Hope, Mitchell, of Providence, from St. Thomas, for City St. Domingo.

Also, sch'r. Rewastio, Holden, 19 days from Maraguays. (Porto Rico.) Coffee, G. Haskins and Edw. Jones. Left, sch'r. Iris, of Fredericksburg for Norfolk, uncertain. In lat. 21, 58, long. 69, spoke sch'r. Only Daughter, from New-York for Jamaica.  
Philadelphia, July 26.

*Extract of a letter from our Correspondent, at the Lazaretto, dated July 25, at noon.*

"This morning arrived, sch'r. M. Lilla, Maddox, Curacao, 19 days.

Sch'r. Margaret, Tingey, Newcomb, 17 days from Martinico and St. Thomas.

Sch'r. Favorite, Gamble, St. Pierre's, Mart. 15 days.

Brig Expectation, Hughes, 14 days, from Gaudaloupe and St. Thomas.

Ship Western Trader, McCutchen, from New-Orleans and 22 from the Bazar.

Sch'r. Three Friends, Lewis, N. Providence.

Sch'r. Friendship, Snow, 34 days from St. Jago, Western Islands.—Two other vessels are in sight.

By capital Maddox I am informed that the brig Union, Selby, lay at Laguna, loaded and ready to sail for Philadelphia, on the 25th of June; that he left at Curacao, sch'r. Independence, Evans, of Philadelphia, time of sailing uncertain—schooner Hope, West, of Baltimore, to sail the 4th of July, and captain Davidson, in a brig for Alexandria, capt. Belt of Alexandria and capt. Chase, in a brig of and for New-York, all to sail between the 2nd and 5th of July.

Capt. Newcomb, informed, that he left for Fort-Royal, Mart. Two Brothers, McGregor, from Philadelphia, just arrived; and the brig Charleston Packet, arrived 2 days before he sailed. The ship

sailed two days before him for a market.

The English Fleet had returned to Tortola, without any action with the French having taken place. In the Gulf Stream, capt. N. was boarded by the British frigate Fortune, who said, he had cut off 24 sail of druggers from Samana, and destroyed them at sea, as also two other vessels, one of them loaded with Coffee, and that the frigate with 6 sail of the line were convoy to a fleet of 172 Merchantmen, from the West-Indies bound to Europe, &c. then in sight, and through which capt. N. had passed.

Captain Gamble, of the Favorite, left at St. Pierre's, Mart. sch'r. Concord, Crain, to sail in 6 days; brig Nancy, Huggins, in 10 days, both of Philadelphia; brig Charles Williams, Forrest; schooner General Green, Jones; brig Peggy, Boston; brig Melancho, Lynch, and ship Draper, all for New York, to sail in 7 or 8 days; schooner Belona, Baldwin, from Alexandria, just arrived in 23 days passage; the brig Greenwich, Wyeth, of Baltimore, and a schooner of do. belonging to Mr. Patterson.

Four days before capt Gamble sailed, a French squadron left Martinique, consisting of six ships of the line and one frigate, viz—Le Foudryant, admiral Willaumez capt. Henry, 84 guns; Le Veteran captain Jerome Bonaparte, 84; Le Eole, capt. Prerott de la Croix, 74; Le Cartard, captain Faure, 74; Le Patriote capt.—74; Le Jupitierre, capt. Le-reyer, 74; La Ratevrente, capt. L. August, frigate, 40.

*Alexandria, July 25.*

Arrived, schooner Ann-Eliza, B. H. Davidson, 18 days from Curacao.

July 9, in the Mono Passage was boarded by a British frigate, the Lieut. of which informed, that two days before he had fallen in with captain Cochrane, then in chase of the French fleet, and was only waiting for another ship to engage them.

#### Post-Office, Baltimore,

July 26, 1806.

Letters for the British packet Windsor Castle, for Falmouth, via Halifax, N. S. will be received at this office, until 12 o'clock noon, on Monday, the 4th of August next.

CHARLES BURRALL.

N. B. The inland postage to New-York, must be paid on all letters for the packet.  
July 28. dt4th A

#### Public Sale.

By virtue of an order of the Orphans' Court of Baltimore county, will be exposed at Public Sale, on Monday, the 28th instant, on the premises,

A TWO STORY BRICK HOUSE, LOT and GARDEN, in Harrison-street, near to Griffith's bridge, late residence and property of John Ross, deceased.

Also, imm. situated for the sale of the above, will be sold.

All the GOODS and CHATTELS of the said deceased.—Sale to commence at 4 o'clock in the afternoon.

JOHN GROSS, Adm'r.

Terms will be made known at the time and place of sale.

Persons having claims against the aforesaid estate, will please present them for payment.  
July 21 dt4th

#### Sale by Auction.

On TUESDAY,

The 28th instant, at 10 o'clock, at our auction room, at the head of Frederick-street, will commence the sale of

A Variety of DRY GOODS;

Among which are,

1 trunk Sewing Silk  
1 case Grandchildren  
1 case Cotton Casimere and Jean  
1 ditto Casimere  
3 bales Tick cargoes, &c.

And at 12 o'clock,

33 bbls Sugar  
6 bbls Coffee  
100 bags Coffee  
15 bbls Antigua Rum  
15 pipes Brandy

A few cases of quality Indigo  
5 pipes Holland Gin  
Hysan Skin and 1 cask Hysan Tea. &c. &c.

VAN WYCK & DORSEY, Auctioneers.  
July 28.

#### For Sale,

Horse Mills,  
Part Wind,  
Boyle C. Mills, and  
1000 bushels Laced-eyed Peas, in excellent shipping order.

ROBERT BARRY,  
July 28. dt

#### Received,

Per ship Hamilton, from Amsterdam,  
500 boxes Dutch Cheese, part aged Cheese, and part Cream Cheese, and  
17 packages Dry Goods, for sale by

VON KAPPEL & BRUNE,  
July 28. dt

#### Cotton, Tobacco & Bacon.

21 bales COTTON,  
20 bbls James River TOBACCO, and  
55 0 wds BACON, in nice order—Just landing from on board the ship Catherine, and for sale by the subscribers.

ARMSTRONG & DUNN,  
July 28. dt

#### For Washington, N. C.

The Schooner  
L. U. K. E.,  
Master;  
Now lying in South's dock, will positively sail the middle of this week—For freight or passage apply on board, or to  
A. C. SCHNEEMANN,  
No. 37, Market-street, Fell's Point.  
W. H. 4 a on hand.

A quantity of Bacon, Pease, and Naval Stores.  
July 28. dt

#### For Sale,

The Schooner  
PATSEY & POLLY,  
Two years old; 80 tons measure, will sail on 4th inst., and sails remarkably fast. One third of the purchase money will be received in West India produce. Apply to  
HENRY THOMPSON,  
July 28. dt

#### Stray Cow.

CAME to the subscriber's plantation, about six miles from this city, on the new cut road to Pary Hall, on the 23d instant, a Red COW, with no marks; she has a little white about her neck. The owner is desirous to come, prove property, pay charges, and take her away.  
THOMAS LUCAS,  
July 28. dt

#### Columbia Garden.

[BY PERMISSION.]

On MONDAY EVENING, July 28.

The Garden will open with a Grand Concert of Vocal and Instrumental Music, interspersed with Recitations, Songs, Dances and feats of agility.

On each evening will be given a variety of the most fashionable Dances, Figures and Steps made use of at most polite circles; giving at once an instructive lesson (as amusement) to those who have been taught in that fashionable accomplishment as well as those who have no skill in the art.

Grand Symphonies, Marches, New Waltze, popular Airs by the Band.

Dance—a fancy figure, called  
The Caledonian Frolic.

A Highland Fling.  
A Garland Dance.  
Recitation—Garrick's Country Boy  
Song—Nong Tong Paw, or John Bull's Trip to France.

Dance—a Double Hornpipe between a Sailor and an Orange Girl.  
Song—a scene in Holland, or the Dutch Fisherman.  
Song—America, Commerce and Freedom.  
Duet—Since we parted Dear Girl.  
For the last time, the much admired mechanical ingenious piece of Painting, in machinery of

#### Truxton's Victory,

With the town and fortifications of Rosetta, in a perspective view in the back ground; the sea in motion in front.

To which is added the Triumphant entry of Neptune and Amphitrite,

In their Car and Sea-Horses, followed by a numerous train of Nymphs and Tritons, &c.

Doors open at half after 6, concert commence half past 7, and conclude precisely at 10 o'clock.  
July 26

On Thursday, July 21.

For the Benefit of the different Orphan Schools in the city of Baltimore.

BY PERMISSION.

Will be opened with a Grand Concert of Vocal and Instrumental Music.

Which will be followed by a choice selection of the various

Recitations, Songs, Dances and Feats of Agility, Within the power of the different performers, who on this occasion are resolved to exert themselves to please.

As the appropriation of the monies received is confessedly benevolent, and as the utmost good order will be maintained, it is presumed that the citizens will not fail to give the intended entertainment their cheerful and general sanction.  
July 26 dt