

American,
AND
Commercial Daily Advertiser.

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[Printer of the Laws of the Union.]

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TUESDAY, MARCH 17, 1807.

This is to give notice,
THAT the subscriber hath obtained from the Orphans' Court of Baltimore county, in Maryland, letters of administration on the estate of *Levi Dunlevi*, late of Baltimore, deceased. All persons having claims against the said deceased are hereby warned to exhibit the same, with the vouchers, to the subscriber on or before the 7th of August next, they may otherwise by law be excluded from all benefit of the said estate. Given under my hand this 7th day of March, eighteen hundred and seven. Also to sail the undivided third part of the Pilot Boat Schooner

JOHN MILLERS, with all her tackle and apparel, in complete order for sea; at twelve months credit, with giving security for the payment of the same.
MARGARET DUNLEVI, Adm'r.
March 12 d4t

New Paper-Hanging Store.
ROBERT ELLIOT,
No. 7, North Charles street,
INFORMS his friends and the public in general, that he has just received, and has now ready for sale, a large assortment of the most elegant PAPER-HANGINGS & BORDERINGS, from London, Paris and Boston; amongst which are some of the most superb patterns of the new-invented Spangled or Frosted paper.
He will always have a regular supply, and constant succession of the newest fashions, from Huxley's manufactory in Philadelphia. He will superintend the hanging of his own papers, employ the best workmen, and execute all orders in town and country, with neatness, punctuality and dispatch.
N. B. The American Papers he will sell at the manufacturer's prices.
One or two Apprentices will be taken to the above business.
March 10 d4t

British Government Bills
For £ 1,100 sterling,
FOR SALE BY
ANDREW DEWEES & Co.
Who have in store and for sale,
60 barrels Prime Rice, and
1100 barrels Pork, prime and mess.
March 14 d4t

Just arrived from Philadelphia,
And to be disposed of,
THE FOLLOWING GOODS, Viz.
Plain Mantua,
Sarsenet,
Damask Shawls of all sizes,
S-reged do. do.
White, Rose, Black and Lead colored Ladies and Gentlemen's Hose,
Floured and Plain Mantua Ribbons,
Satin do.
Extra Long Silk, Kid and Yorkton Gloves, assort'd,
Cambric Linen,
India Mulmul Muslins,
Do. Handkerchiefs,
Black Cambric Muslin,
French Linen Cambric, and
A quantity of other articles, at
Mrs. Gorton's boarding house,
No. 80, Baltimore street,
March 13 d4t

Kidd & Owen,
No. 154, MARKET STREET,
HAVE received 150 dozens, Book Checks Furniture and Common Calicoes, India and British Muslins; which with a neat assortment of other articles in their line, they offer for sale cheap.
They want a young man about 16 or 18 years of age, active, and of proper connections.
March 14 d4t

Hibernian Benevolent Society.
AGREABLY to the Resolution of the last Anniversary Meeting, the Society will DINE together on the 17th inst. at Fulton's Tavern—Dinner to be on the table at 3 o'clock. The Members are requested to meet precisely at 2, that all their business may be finished before Dinner. To enable Mr. Fulton to make suitable preparations for Dinner, the members are requested to leave their names at the Bar immediately.
JOHN CAMPBELL WHITE, President.
JOHN CRAWFORD, Secretary.
March 11 d4t

New Wholesale Store,
Lafitte & Duché,
No. 50, Baltimore street,
HAVE just received a large and handsome assortment of French & English GOODS, which they offer for sale very low for cash or approved notes.
Consisting of
Plain Taffetas, assorted in color,
Striped do.
Figured Satin,
Feeling,
Sarsenet,
5 and 7-4 Damask Shawls,
5 and 7-4 serge-d do. do.
White, rose and black, Ladies' and Men's silk Stockings,
Plain and figured Mantua Ribbons,
Stamp'd do. do.
Extra long and short silk Gloves,
Do. do. do. Kid Gloves
Capes assorted in colors,
Cambric Linen,
Tissues and Cotton Laces,
1 box of Fancy English Goods,
3 do. of Sey's Chintzes,
Bandannas assorted in colors,
Choppa Romal,
Silk, Morocco and Cotton Suspenders,
Velvet and Morocco Pocket-Bags,
An assortment of Ladies' rich Combs,
Artificial Flowers, &c.
N. B. Several boxes of the above, calculated for exportation, entitled to debenture.
March 12 eo2w

A Maid Servant
WANTED immediately, in a small family. Enquire at this Office.

STATE PAPERS,
Relative to the Negotiations between France and Great-Britain.
No. XXXVI.
29th September, 1806.

MY LORD,
I have the honor to inform you that I have received his majesty's orders concerning the object of the letter which your excellency did me the honor to write me the 22d September, and that he immediately authorised Mr. de Champagny, his minister plenipotentiary, to deliver to you all the passports necessary for your excellency, to insure the regularity and celerity of your communications with his British majesty.

I have the honor to renew to your excellency, &c.
(Signed) CH. MAU. TALAEYRAND,
Prince of Benevo to.
No. XXXVII.
Paris, 29th September, 1806.

SIR,
I do not lose a moment to acquaint your excellency that the result of the conference I have this day held with Mr. de Champagny, leave me unfortunately no hope of being able to bring the negotiations on the part of Great-Britain and Russia to a favorable issue.

In this state of things, and in conformity to my instructions, I have no other means left than to address myself to your excellency, for the necessary passports, in order that I may return to my sovereign.

In making this application to your excellency, I cannot refrain from testifying my gratitude for all the personal attentions which your excellency has been pleased to show me during my stay in Paris, and at the same time expressing the sentiments of esteem which I have always felt, and which I shall at all times feel for your excellency.

I intreat you to accept the assurance of my high consideration.

LAUDERDALE.
XXXVIII.
To his excellency Lord Lauderdale.
Mentz, 30th Sept. 1806.

The undersigned minister for foreign-affairs has laid before his majesty the emperor, and king of Italy, the note which his excellency Lord Lauderdale, minister plenipotentiary of his Britannick majesty, did him the honor to transmit him on the 29th inst.

His majesty, after having listened, with a wish for peace to all the proposals which might render it lasting and respectively useful to the two contracting powers and their allies, will be sorry to see the rupture of a negotiation from which his personal disposition induces him to hope for other results.—If the English cabinet resolve on abandoning the prospect of peace, if its minister plenipotentiary must quit France, his majesty flatters himself however, that the English cabinet and Lord Lauderdale, when they shall measure the extent of the sacrifices that he was disposed to make, to advance the return of a sincere reconciliation, will be firmly convinced that his majesty wished for the happiness of the world, to put no advantages in counterpoise with those of peace, and that the intention of securing its benefits to his people, was alone capable of determining his paternal heart to make sacrifices not only of self love, but of power more considerable even than that pointed out by the opinion of the English people themselves in the midst of a war in which he had obtained constant advantages without a single reverse.

Still, if it be the destiny of the emperor and the French people to live in the midst of the wars and storms which the policy and influence of England will have drawn on them, his majesty after having done every thing to set bounds to the misfortunes of war; seeing himself deceived in his dearest hopes, relies on the justice of his cause, on the courage, love and power of his people.

But still calling to mind the dispositions he has continually professed in the course of the negotiation, his majesty cannot but perceive with regret that England who might illustrate and strengthen her vast power by the benefit of peace, the want of which is felt by the present generation and by the English nation as well as by all others, voluntarily suffers the finest occasion to slip over. The future will make known whether a new coalition will prove more injurious to France than the three first; the future will reveal whether those who complain of the grandeur and ambition of France have not to impute it to their own hatred and injustice. France has only aggrandized herself by efforts constantly repeated to oppress her.

Still, whatever may be the deductions which may be drawn for the future, from the examples of the past, his majesty will be ready, should the negotiations with England be interrupted, to resume them, in the midst of all the chances of events; he will be ready to re-establish them on the basis laid down in concert with that illustrious minister whom England has lost, and who, having nothing more to add to his glory but the reconciliation of two nations, conceived the hope of it, and was ravished from the world in the midst of his labour.

The undersigned has the honour to inform his excellency Lord Lauderdale, that Mr. de Champagny has been authorised to deliver him the passports he has asked for. He leaves with

eagerness this occasion of renewing to him the assurance of his high confidence.
Signed, CH. MAUR. TAL. YRAND,
Prince of Benevo to.

MUNICH, December 25
Several fresh detachments of Bavarian troops have left upon the march towards Sibilla, within these few days past—their number with the grand army will be increased to 30,000. We have the pleasure of knowing that prince Jerome never ceases speaking well of the behaviour and firmness of the Bavarians. It is said that, in one of the prince's reports, he confesses the cavalry have exceeded his expectations, and that he was happy in having the command of them.

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TUESDAY, MARCH 17, 1807.

Deposition of Ensign Small.
SIR,

Hitherto actuated by too great a regard for private friendship, and a mistaken value for the opinion of designing men, I have suffered imprisonment and temporary disgrace rather than expose the facts within my knowledge; but now finding that I among many others was to be the dupe of intriguing characters, who under the appearance of friendship and false representations, intended to exalt themselves on the downfall of their country; in this moment of extreme peril it may be my duty as a citizen, but certainly is most incumbent on me as a soldier to develop the facts within my knowledge, which I do in the face of Heaven and the world, disregarding of the opinion of those for whom I have had an esteem, conscious that I shall have discharged but a sacred duty.

Several months ago, I was walking towards the Barracks with Lieutenant Taylor, late in the army, when Lewis Kerr, Esq. joined us; after drinking a little brandy and water, the latter and myself walked up town, and after some conversation respecting the Spanish aggressions and the profusion of arms, he spoke something of Mexico, and requested me to call at another time and he would explain something which might interest me—I was then a citizen, and done so. He obliged me to secrecy provided I did not come into the measure, which I did by saying, "To use all lawful means to aid and assist in effecting the emancipation of Mexico and Peru." He said that Livingston, Workman, Major Nutt, the brothers Alexanders, and several of the first characters in the United States were concerned also. I can only tell you, Small, "that the officers of the army are generally concerned with us." I am not positively certain whether or not he said, that Colonel Burr and Doctor Watkins were of the party, but I apprehend he did; I am certain that he said that Mr. Keene and Henry Brown, (brother to the collector) were active in the business. He referred me to the latter, who said that he would endeavor to gain over Mr. Feigufon, teller of the bank, that he would be an acquisition, as he understood Spanish perfectly well. This was after some conversation on the subject, but I don't believe he ever done so, although he appeared warmly interested. Mr. Kerr told me the object was to seize Baton Rouge, erect the ancient Mexican standard—collect forces—that there would be vessels in the Lake from New Providence to assist—that they would seize New

Orleans, where it was expected there was 200,000 dollars, and that afterwards they would pull on for the Province of Texas. He also said that for his part he was as comfortable as he could wish, but that his mind feared to something higher, and he would make the effort. He intended to have headed the party against Baton Rouge, and advised me to gain as many as possible, particularly of the Montgomery Green, of which I was second lieutenant. On the commencement of our conversation he said, that Miranda's expedition was winked at by government, that he had been supplied with arms out of the Arsenal at New York, and in general held forth the idea, that government had its views in silently approving the measure.

The business seemed to occupy much of the attention of Judge Workman: He has told me that money would not be wanting, that they could seize on the Banks, although he mentioned that with a smile. I have reason to believe that for many months past he has had employed a Mr. John J. Connolly of this city in translating the Laws of Mexico. I once had a conversation with Connolly on the subject, and since I returned from Natchitoches he observed to me, "Sure man, Burr is coming down, which side will you take Small." To which I answered, I will take that side which honor and duty prescribes, the side "of my country." He appeared surpris'd, and said that I was right.

I wrote a letter from Natchitoches to Judge Workman, giving him a friendly account of the country I passed through, and stating my regret that when so many clever fellows were so near the Spanish country that it could not be permitted for us to enter, but hoped the day would come when our country would sanction and advocate our eroding our standards on the walls of Mexico, in such case only I expressed a belief that I should not stand alone amongst the officers in doing our utmost, provided positively that government sanctioned it. When I arrived here he expressed his uneasiness at not receiving my letter. He asked me what I had written, I told him, and said I did not care who seen it, that I had nothing of a criminal nature to write or say, and that I would not be concerned in anything against the government—he said I was right, and it was so with him; but it was necessary to be cautious, that he understood the general meant to trample on the civil authority, and that all letters were intercepted. He many months ago asked me on what terms a fast sailing schooner could be had to go to New Providence—he did not say for what purpose. Mr.

Kerr once told me that the British general Lord Hutchingson, was a relation of his, that he should write to him to aid in procuring British assistance, and I believe, said that it had been proposed to him to go as agent to England, but that he preferred Livingston would be sent.

When Mr. Drayford, of the Orleans Gazette, had gone or was going to the States, I learnt, but from whom I do not recollect really, that he was going to the Western Country for the purpose of procuring auxiliaries; it strikes me that Judge Workman told me so, but am not positive. Those transactions took place many months ago, and a very considerable period has elapsed that I heard nothing on the subject; at several times I was disposed to think the communications were for mere talk sake, but on the other hand, the talents and respectability of the characters forbid the supposition. It occurred to mind at Natchitoches from reports received there respecting Burr, that these men had designs different from that which they held forth, and I observed to Lieut. Mead, and I believe Lieut. Murray, that I had known of an affection in New Orleans, and that it appeared to me some designing men there had deceived several. If I recollect well, I told Lieut.

Murray and Mead at different times, that if such an object as a division of the States was in contemplation, that I abhorred the idea, and that I would shed the last drop of my blood in defence of the country—Murray, I think said, "Certainly." Lieut. Platt often said that he feared he would be suspected, from the circumstance of a Mr. Swartwout being intimate with him. He has several times said "Small keep yourself cool, you'll be amused presently." I conjectured what he alluded to, but he never would explain. Coming down the river in Captain Fergus' boat, I asked was it true that Secretary Mead had refused the General five hundred men, Lieut. Mead said yes, that it was true, and that had he been in the secretary's place he would have done the same thing. He afterwards said in the presence of myself and some other officers at the Willow Grove, that General Wilkinson was suspected of being concerned; I replied it could not be possible. I understood last summer that Captain Cooper was an active person. I have had conversation with him on the subject, but however of little confidence; with Lieut. Henderson I have had at that time also some conversation in consequence of what Mr. Kerr told me, "that the officers were concerned"—but it amounted to no more than uninteresting observations on the subject.

I had long since understood that Lieut. Taylor and Ensign Mead had stopped at Baton Rouge for the purpose of reconnoitering the fort, that they had dined with the governor—from whom I heard this I do not recollect I was then a citizen, and did understand that the officers generally intended resigning their commissions. During all these communications and transactions, the idea was ever held up, the private faction of the government, which I have ever since returned to Orleans suspected strongly to be a mere catch to enflame the thoughtless and unreflecting into acts of infamy. A regard for the feelings of private friendship has hitherto kept me silent under imprisonment and sufferings; but justice to my country and to my own character, has at length induced me to state these whole facts, with a full and entire assurance, that I never could for a moment intentionally have committed any act, or harboured a sentiment unworthy of the cloth which I have the honor to wear. I have done my duty unreservedly.

Remain very respectfully,
Sir,
Your most obedient servant,
(Signed) FRANCIS W. SMALL,
Ensign Second Regiment.
In Confinement, 10th January, 1807.
His Excellency, }
Gen. J. Wilkinson. }
N. B. I recollect to have once asked Judge Workman, was the Governor acquainted with or concerned in the enterprize—his reply was, "The Governor is a Maul'd Bitch."
(Signed) FRANCIS W. SMALL.
Sworn to before me this 11th day of January, 1807.
(Signed) GEORGE POLLOCK,
Justice of Peace for the County of Orleans.

FOR THE AMERICAN.

PERHAPS I may incur the censure of some of my fellow-citizens by the contents of the following observations; but a disposition to maintain those laws and wholesome usages which we ourselves have made or carefully adopted, as the means to protect our liberties or maintain our property, which I consider to have been infringed by Gen. Wilkinson in his late seizures at New-Orleans, will not permit me to say of him—well done, good and faithful servant. The arrest of Bollman and others may have been within the pale of general W's duty; but what should follow an arrest of a citizen for malpractices but a surrender of his person to the civil authorities having cognizance of the alleged offence? By whom should he be punished if found guilty? How can general W's conduct be justified as it regards his rendering the military paramount to and independent of the civil authority? It has been said that the court of New-Orleans was corrupt, and that its members formed a part of the body of conspirators who had associated to accomplish the most infamous designs. Admit it to be so; this might extenuate his conduct in a removal of the prisoners to a place where justice, according to laws, would be done them. This admission, in my opinion, doubles the injustice on the part of general W. in regard to the prisoners. He certainly

had no reason to believe that all the judiciary characters of the United States, were interested in Burr's designs—why then extend his arbitrary sway beyond the reach of infection? What was the answer of the commandant of Fort Johnston, in South Carolina? My superior officer says I shall not deliver up the prisoner to the civil authority, but commands me to forward him to the president of the United States. I know no part of the constitution of the United States which gives the president any control in the premises. The jurisdiction is with the judges, rendered very properly independent of the executive authority, who are sworn to administer justice according to the constitution and the laws of the land.

If existing laws are insufficient to punish offences which the framers of our code did not suppose could ever be committed, is a military officer to enact them from time to time, as may suit prevailing circumstances? The constitution dictates the method by which alterations it shall be made, new laws enacted, or old ones repealed. Yet a man has been found hardy enough to place the corner stone, the first principle of that constitution in jeopardy, by violating one of its most important provisions.

Look at the consequences of this conduct. Oliver Cromwell, strengthened by his army, told the representatives of the people, that the land had no further need of them; and Bonaparte, aided by the coercive force, rushed into the chamber where the representatives of the people of France were assembled, and used language of a similar tendency and effect: why should the infractions of the constitution stop here? Man feels power and forgets right. Suppose Wilkinson was to leave New-Orleans at the head of his army and say to congress you shall pass such and such laws—we would rise up in arms and crush the traitor into atoms.

I cannot see the essential distinction between conduct like this and the proceedings reprehended, taken on the great scale of common justice. A violation of the constitution is a violation of the constitution, and nothing else can be made of it than a trespass of the first grade. The consequences (if sanctioned and approved) will be fatal to the liberty of man and the happiness and safety of society.

If Wilkinson, through an honest zeal to preserve the integrity of the union, did trample upon the constitution and laws of our country, his conduct may be extenuated in some degree, but can never be justified. A justification would lay down a precedent more pregnant than the box of Pandora with evils; more fatal to freedom than the naked swords of open foreign enemies or domestic traitors. Against the latter you can oppose the system of government; the inducements to be free; in favor of the other may be plead the force of precedent and the specious law of necessity, the language of tyrants from the foundations of kingdoms.

From my opinions on this subject I may be by some considered what is commonly called a federalist.—The first vote I ever gave was in favor of the present chief magistrate, since which time I have been and still continue friendly to the ruling politics of the day; nor have I any other wish to gratify in thus offering them to the public, more than my love of country.

A NATIVE AMERICAN.
We regret that the indispensable arrangements for to day's paper prevented the appearance of "A Citizen." He shall, however, have a place to-morrow.

Married, on Sunday evening last, by the Rev. Mr. Maronville, Mr. Alexander Boyd, to the amiable and well accomplished Miss Mary-Ann Bowen, both of Fell's Point.
Married, on Saturday evening, by the Rev. Mr. Glendy, Mr. Thomas Neilson, Merchant, to Miss Mary Lioncomb, both of this city.

Commercially Important.

A letter from a gentleman of great respectability in Antigua, dated January 24, 1807, says, "On the 24th instant a condemnation took place which was the schooner Horizon, Jenkins master, with five hhd's of sugar, and six tierces of coffee, being part of the cargo of the said schooner. It appeared by the attestation in support of the claim interposed by the master, on behalf of his owners, that he had disposed of his outward cargo at the island of Dominica, and had taken in payment of the same, ten hhd's of rum, specie, and bills of exchange; that he then went to Bassefere, (Guad.) where he took in the five hhd's of sugar and the six tierces of coffee, in payment of a balance due upon a cargo disposed of at Guadeloupe in March last. The court was of opinion that no bills of exchange had been received in payment of the outward cargo at Dominica, as none appeared in the possession of cap. Jenkins, (he having sent first, second and third, being all of the set, by opportunities which failed before him), but specie had been received in payment, which had been vefied in colonial produce; and considering such a trade as not the direct trade permitted by the order of council, condemned the schooner and that part of the cargo, referring the question as to the specie and rum on board, which appeared clearly to have been taken at Dominica, in part payment of the outward cargo." [Lofon Cent]

Law between Debtor and Creditor in Holland.
In Holland a debtor cannot be imprisoned until after judgment is obtained against him; and even then he may make his house his prison, as he cannot be taken from it. In Holland, few bankrupt cases are known, as that once great mercantile people found, by experience, that a composition was the best mode to be adopted in case of insolvency. But when the debtor's affairs are too desperate to admit of that arrangement, or that creditors are adverse, the debtor has only to apply to the chamber,