# American,
AND
## Commercial Daily Advertiser.

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(PRINTER OF THE LAWS OF THE UNION.)
51, SOUTH GAY-STREET,
NEAR THE TOM BRIDGE, BALTIMORE.

MONDAY, AUGUST 4, 1806



## For Sale,

THE cargo of the schooner Mercury, now lying on Price's wharf, Fell's-Point, and consisting of

200 hogs Prime Leeward MAHOGANY, which would be sold reasonable and on a long credit for good paper.

HAZLEHURST, BROTHERS & CO.

July 29 d5t

## 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. d4t40A

## The Subscribers

OFFER for sale, on a liberal credit, the cargo of the schooner Alexander, captain Allen, just arrived from Trieste, consisting of the following articles:

Best quality SOAP, the principal part of which is old and blue marbled.
10 cases Checks, assorted,
20 do. Bentannas
3 do. Estopdes,
4 bales Turkey Red Cotton
2 do. fine Camels Hair,
10 cases Glass Tumblers.

LORMAN & FULFORD,
JOS. YOUNG.

July 11 d6teo

## GOODS

JUST received for sale, by
ALEXANDER, WEBSTER & CO.
[illegible] Linseed Oil,
[illegible] Iron Kettles for Sugar Boilers
5 casks Claret
54 cases White Grave Wine
5 Quarter cask quality Santurne Wine
7 do. Claret
1 chest Checked Linen
1 do. Rock Linen
1 do. Harlem Stripe
1 do. fine Checks
1 do. Cambricks
1 do. White Silesia Linen
8 do. Linenas
6 bales Osnaburgs
4 do. Ticklock
5 do. White Dutch Linen
3 chests Ravens Duck
5 do. Elbert Ill Checks.

July 26 eo10t*

## To the Voters of the City and County of Baltimore.

GENTLEMEN,

HAVING been solicited by a number of my friends in the city and county, to offer myself a candidate for the office of SHERIFF, at the ensuing election, and feeling a consciousness that I possess the necessary qualifications to discharge the duties attached to that office, I now come forward and respectfully solicit your votes and interest at the ensuing election, assuring you that, if I shall become your sheriff, I shall make every exertion to discharge the duties attached to the office with punctuality, integrity and humanity, as far as may be consistent with the interest of those who may have the honor to serve.

JOHN KEENS

## For Sale,

70 hogsd. WHISKEY,
33 hogsds. ROCOU (for Annato)
1[illegible] Pipes Green St. Domingo COFFEE,
till the drawback. Apply to
JOHN BROWN,
At Wm. & Hugh Nelson's, O'Donnell's wharf

July 15 co4t*

## Brandy and Wine.

Just received per the ship Thomas Hamilton, [illegible] Bordeaux, and now landing at the head of O'Donnell's wharf,

90 pipes 4th proof brandy, of excellent quality,

250 cases, containing 1 and 2 dozen each, Continac Claret, of vintage 1800,

85 cases Margaux do. same vintage, and

22 cases St Julien's do do.

The whole entitled to drawback, and will be sold on a very liberal credit if immediate application is made to.

HU: THOMPSON

July 26 co6t

## Owen Dorsey

RESPECTFULLY informs his friends and the public in general, that he has engaged *Theophilus F. Dougherty*, as an assistant, who is authorised to receive communications from persons desirous of having business transacted in their office.

Deeds and other instruments of writing of every description will be promptly drawn by the most reasonable terms. Mr. D will continue as heretofore to translate, and interpret foreign languages.

## TO BE RENTED.

A large handsome Brick BACK BUILDING, situate in the neighborhood of Mr. Hoke, not far from the new Market house, with a fine Lot and other conveniencies thereto attached. For terms enquire at the above office.

July 24. eo4t

## To be sold,

BY THE SUBSCRIBER,

A PLANTATION in Harford County, called MACEDONIA, about 21 miles from Baltimore, containing 160 acres, 30 of which are very heavily timbered; 10 acres of very good meadow, and six or eight more may be made with very little expence. There is upon said place a very good Dwelling House, with Kitchen, a very large Barn and Stable, with a good Garden and a good young Peach and Apple Orchard, enclosed with a good pailed fence. The said place will be sold low for cash—For particulars enquire of Peter Pethain, near Fell's-Point Market, in Baltimore, or to

FRANCIS DELAPORTE,
In Harford County.

August 2 eo4t


### U. States vs. Col. Smith, (Continued.)

*Dr. Douglass, sworn.*

The witness knew a number of young gentlemen who went out in the Leander.—He understood that the defendant had the nomination of a number of young men to Miranda. At one time col. Smith said that Miranda was going home to see his grandmother, and he wanted some young men to go with him to see her farm. The defendant told the witness that our government knew of the enterprize, some time before Miranda arrived, who said there was a great business on hand. When questioned on the nature and object of the expedition, while it was preparing, the defendant said that a gentleman had seen the President, & that it was unnecessary for him to go to Washington. Col. Smith assured the men that he was authorised by government to do what he was doing. He told them that he was to go with Miranda, that they would stop at a friendly island, that if they did not then choose to go they might return, & that their passage back would be paid. He said he was authorised to do this by our government. What I (the witness) understood was, that the defendant was an intimate friend of Miranda, and he said that whatever he (the defendant) promised them (the men) would be fulfilled when they got on board. I do not know whether they were referred to or not to Miranda, but I recollect that they went out as surgeons, and that they were to make their engagements with capt. Lewis as surgeons; and when they got to the friendly island, and Miranda explained to them the enterprize; if they liked it they might engage and have what had been promised them by colonel Smith. I heard col. Smith say, that if Miranda found Sands a very clever fellow, he would make him a major. There was only one who engaged to go out surgeon of the Leander. The witness said that the impression on his mind was, that col. Smith only recommended. Col. Smith said that the men were going out under Darrington as their leader, and were now satisfied; but the men whom he saw said they were not satisfied. The witness remarked that he was known to be the intimate friend of col. Smith.

*Benjamin R. Hobson, sworn.*

The witness said that col. Smith applied to him to embark in an expedition, but would not tell the particulars at that time. Dr. Douglass also applied to him. He went to col. Smith's son a Sunday, when the witnesses name was handed in to him. He saw Smith, but he would not tell the witness what the expedition was. He said it was an honorable expedition, and that the president and secretary of state authorised it. He said the witness should have the place of surgeon, and that it was to be in military land service. The witness was not to go out of America. Col. Smith said we were going out with our friends. We might succeed well, but if we did not we must take our fate.

*Charles S. Cutting, sworn.*

Mr. Cutting said that he called on col. Smith but was not perfectly satisfied with his explanation. He then called on the colonel again, who promised him a military station; lieutenant and adjutant. He did not, however, chuse to go without pay, & in case of being made a prisoner he did not know what country to look to for protection. He thinks this was in December.—When he applied, it was in reference to the Leander. He understood that he was to go in the Leander as a passenger, and that he was to receive his commission and an explanation on board. Col. Smith said that when we got to our half way destination, we should have our option to return.

*Adam Tenbroot, sworn.*

I was applied to by Fink to enlist to go to Washington, to follow the President.—I was to be one of a military guard to the President. I did not engage, for I thought there was some *trapanning* in it. I was on board the Leander twice, but did not go with her. Col. Smith's papers were read to me. I saw Burke write. I was very uneasy.

*John Ripley, sworn.*

Col. Smith saw and mentioned to me an expedition. He asked me to accept of a commission. He said that there was an expedition fitting out in the country under the authority of the British government, against Carracous, and was to be conducted by gen. Miranda. He said that application had been made to the President for leave of absence for him, and that the President said that col. Smith *could travel if he pleased.*—He pressed the witness to take a commission for the command of a regiment.

Adjourned to Wednesday 23d.

WEDNESDAY.

Did col. Smith apply to you last winter to enter into the military as an artillerist?

He did, he applied to me to enter into our service, which I understood to be the service of our government. I was to be second lieutenant. He gave me an order to get uniform.

Did you get it?

Not I. I quit the scheme next day. I went to the colonel next day and told him I did not choose to go. The witness was at capt. M'Lean's; he was there because he was acquainted with him.

*Godfrey Crowback, sworn.*

Were you enlisted last winter to go into the military service?

I was.

By whom?

By Mr. Fink.

What was you to do?

Fink said I was to guard the mail of the U. S. to New-Orleans.

*Thomas Lee, sworn.*

Was you enlisted to go into the military vice?

Yes.

What for?

I was to be in the horse service.

What was you to be?

A trumpeter, sir.

Who enlisted you?

Fink.

*James Owens, sworn.*

Was you enlisted last winter for the military?

I was.

Who engaged you?

Fink.

What was you to do?

I was to be the President's guard.

Horse guard?

Yes, sir.

*Richard Pitt, a minor, sworn.*

Was you enlisted?

I was.

By whom?

Fink.

For what service?

I was to be corporal, sir, for government service. I was to go to Washington. They said the President was going to travel and wanted a guard. Col. Smith told me I was not to go out of the United States.—The witness and other young men were told expressly that they were not to go out of the United States.

Who told you so besides col. Smith?

Fink told me I was to guard the President, but when I was again referred to col. Smith, he said he wou'd not tell me all the particular service, but was not to go out of the U. States. He signed an article.—On being further questioned by the defendant's counsel, he observed that he knew that col. Smith said they were not to go *out* of the *United States.* He said his son was to go with them, and would never be from them.

Here the evidence was closed on the part of the prosecution.

Before we proceed to notice the arguments of the counsel for and against the defendant, we deem it just and expedient to lay before the reader the names of the Grand and Petit Jurors empanelled in the April and July terms of the Circuit Court to pronounce on the accusations laid before them of offences committed against the laws of the United States. We shall do this because the community are entitled to the information, because we are convinced, no candid man who knows any thing of the proceedings be otherwise than convinced, that the trial has been conducted on party principles adverse to the administration of the general government, and because in what we may hereafter say upon this subject purposely made interesting by the federal party, we intend to appeal to the discernment and integrity of the reader for a decision upon it.

Smith and Ogden were bound over to appear at the April term of the circuit court to answer allegations preferred against them of offences committed against the United States. To the previous proceedings (I mean the examinations of the accused) I shall hereafter advert, for although the legal and puerile remarks of Mr. Col. Smith upon them do not deserve, they shall nevertheless receive an answer. They were both to appear at the April term, and it therefore became the duty of the *grand* and *petit* jurors of the district to *select* and summon a grand and petit jury. They were accordingly *selected* and summoned. Here they are.

*Grand Jury for April Term.*

Matthew Clarkson,† Nicholas Fish,† Philip Brasier,† Amasa Jackson,† Frederick Bancroft,† Charles Ludlow,* Josiah Blackwell,† Ralph B. Forbes,† John B. Coles,† James H. Maxwell,† James Manning,‡ Henry Rutgers,* Garrit Gilbert,* Gerrard Stuyvesant,* Jacob P. Giraud,† Jonathan Lawrence, jun.† Grove Wright,† Joshua Barker,‡ Abijah Hammond,† John Kane,† Jacob T. Walden,† James Davidson,† James I. Roosevelt,† Isaac Pierson,‡

† Federalists—* Republicans—‡ Burrites who act with the federalists.

The grand jury then consisted of 17 federalists, 4 republicans, and three Burrites.

So irrefragable, however, was the testimony against the accused, that the grand jury, after a tardy and sorrowful sitting of nearly a week, found a bill against each.

They nevertheless did not omit to perform a pontical duty. By way of a set off for what they had done, they presented Judge Tallmadge, the presiding Judge, for "illegal, tyrannic, and oppressive conduct, in the previous examinations of the accused." I give it as my opinion that among the *seventeen* federalists and *three* Burrites who thus pronounced upon the judge's conduct, of which they had no testimony, of which they had no proof, and perhaps of which they had made no enquiry, there was not a man competent to decide on the law question which the presentment involved. Like the subsequent presentment of myself by a similar *grand* jury for the publication of a notorious fact, I take the presentment to have been entirely *malicious.*

*Petit Jury for April Term.*

Charles Stewart,† Elis Burger,‡ Robert Brett,‡ Thomas Cadle,† Abraham Boudoine,‡ Gurdon Buck,† Garret N. Bleecker,* Joseph Otis,† Thomas Vail,* Silvester Robinson,† Henry Ten Brook,† William A. Davis,† John Tom,* Andrew Mitchell,† Jacob Shiffelin,† John T. Duryee,† Thomas Kodman,† Henry Suydam,† Benjamin I. Moore,† John Church,† John Sanford,† William S. Chopman,† George F. Hopkins,† George Bement,‡ David G. Habbard,† Isaac Hyer,† James Bailey,‡ Anthony Bartow,‡ John L. Broome,* William Thorne,† John Beckjent,‡ Francis Agsburry,† Joseph Strong,* John Mason,† Benjamin Seixas,‡, Andrew S. Norwood† Thomas Hammersley,‡ William Dastant,‡ Ebenezer Irving,‡ Alexander J. Hamilton,† Wm. M. Pruyment,† John Hagerty,† Charles Snowden,† Bernard Hart,† Wm. Neilson jun.† Henry Cothcal,† James Swords,† Timo. Green,‡

† Federalists—‡ Burrites—* Republicans.

The Petit Jurors then selected and summoned by the Marshal, from whom twelve were to be taken to try the indictments during the April term, were 34 Federalists—9 Burrites, and 5 Republicans; making 48.

The accused were not however in April term tried. On an affidavit of the absence of material witnesses the trial was put off to July. The Marshal had therefore to *select* and summon a *new* grand jury to enquire at that term, into similar offences, and a petit jury to try the two indictments pending the April term against Smith and Ogden.

*New Grand Jury for July.*

John G. Waties,† Joseph Ellicott,† John I. Glover,† William H. Jenkins,† John Ramsay,† [illegible] Thomas S. Modeste,† [illegible] Leonard Wheeler,† [illegible] Gabriel Jacob Clopper,† Wm. Cowles,† John Tennent,† [illegible] John Hunter,† William G. Mitchell,† David Carr,† [illegible] Pool,† [illegible]

† Federalists — Republicans; to wit, [illegible]

*Petit Jury for July Term.*

[illegible] Republicans, and 12 Federalists.

James M'Cullough,† James Mactagart,† John V. [illegible],* Benjamin Parker,† John M'Pherson,† [illegible] John Barnes,‡ William [illegible] Isaac C. Hammersley,† Lyal Gail Hunt,† David A. Campbell,* Jonathan [illegible] Alexander S. Stewart,† Alexander Macomb,† John P. Crozier,† John P. Hunter,† [illegible] Elias [illegible] Henry Rutgers,* [illegible] John [illegible] Wm. [illegible] Lewis [illegible] Thomas B. Jones,† Wm. Bennett,* James [illegible] James [illegible] John [illegible] Joseph Wright,* Andrew S. Norwood,† Leon Wheeler,† William Cole,† John [illegible] Benjamin Sands,* John Sudam,* Robert Sands,† [illegible] Peter V. Cannon,* John [illegible] John [illegible] John Rathbone, jun.* Nathaniel Sturges,† Cortlandt Bishop,† David Longstreet,† Morris Ketchum,† William Dunscomb,† Henry Heyward,† Arthur Van Shaick,† John B. Lawrence,†

† Federalists—‡ Burrites—* Republicans: namely, 21 Federalists—2 Burrites, and 5 Republicans.

It is now unnecessary to say that Ogden and Smith were acquitted.

[*To be Continued.*]

## (By Authority.)

BY THE PRESIDENT
OF THE
*UNITED STATES OF AMERICA,*
A PROCLAMATION.

WHEREAS a treaty between the United States and the Cherokee nation of Indians was holden and concluded at Tellico, on twenty seventh day of October, in the year one thousand eight hundred and five, and was duly ratified and confirmed by the President of the United States on the tenth day of June, in the year of our Lord one thousand eight hundred and six, by and with the advice and consent of the Senate, which treaty is in the words following, to wit:

Articles of a treaty between the United States of America, by their commissioners, Return J. Meigs and Daniel Smith, who are appointed to hold conferences with the Cherokees for the purpose of arranging certain interesting matters with the said Indians, of the one part, and the undersigned chiefs and head men of the Cherokees, of the other part.

Art. I. Whereas it has been represented by the one party to the other, that the section of land on which the garrison of South West Point stands, & which extends to Kingston, is likely to be a desirable place for the assembly of the state of Tennessee to convene at (a committee from that body now in session having viewed the situation) now the Cherokees being possessed of a spirit of conciliation, and being that this tract is desired for public purposes and not for individual advantages, reserving the ferries to themselves, quit claim and cede to the United States the said section of land, understanding at the same time that the buildings erected by the public are to belong to the public, as well as the occupation of the same, during the pleasure of the government; we also cede to the United States the first island in Tennessee, above the mouth of Clinch.

Art. II. And whereas the mail of the United States is ordered to be carried from Knoxville to New Orleans, through the Cherokee, Creek and Choctaw countries; the Cherokees agree that the citizens of the United States shall have, so far as it goes through their country, the free and unmolested use of a road leading from Tellico to Tombigbee, to be laid out by viewers appointed on both sides, who shall direct it the nearest and best way; and the time of doing the business, the Cherokees shall be notified of.

Art. III. In consideration of the cession and relinquishment [illegible] States agree to pay the said [illegible] Indians sixteen hundred dollars [illegible] or useful merchandise at [illegible] within ninety days after the ratification of this treaty.

Art. IV. This treaty shall be obligatory between the contracting parties as soon as it is ratified by the President, by and with the advice and consent of the senate of the United States.

IN TESTIMONY WHEREOF, the said commissioners, and the undersigned chiefs and head men of the Cherokees have hereunto set their hands and seals.

Done at Tellico, this twenty-seventh day of October, in the year of our Lord one thousand eight hundred & five.

RETURN J. MEIGS, (L. S)
DANL. SMITH, (L. S)
Black Fox, or Lunnochili, his X mark, (L. S)
Tom Glass or Tunnaquatichee, his X mark, (L. S)
Pathkiller, his X mark, (L. S)
Toochalar Hatchee or Sullivan, his X mark, (L. S)
[illegible] his X mark, (L. S)
Bark Jacket, his X mark, (L. S)
John Greenwood, or Longettas, his X mark, (L. S)
Cow Ketcher or Gentleman Tom, his X mark, (L. S)
[illegible] Cap, hay we, so, she, his X mark, (L. S)
[illegible] Tom, we, yell, len, his X mark, (L. S)
John [illegible] or Fingerpick, his X mark, (L. S)
[illegible] Chanlar, his X mark, (L. S)
[illegible] (L. S)
[illegible] Village, his X mark, (L. S)

WITNESSES.

(Signed)
[illegible]
Secretaries.
[illegible]
[illegible] Interpreter.
[illegible]
[illegible]

Now THEREFORE, to the end that the said treaty may be observed and performed with good faith on the part of the U. States, I do hereby declare and proclaim the premises to be made public; and I do hereby enjoin and require all persons bearing office, civil or military, within the United States, or being within the same, faithfully to observe and fulfil the said treaty and every clause and article thereof.

IN TESTIMONY WHEREOF, I have caused the seal of the United States to be affixed to these presents, and signed the same with my hand.

Done at the City of Washington, the twelfth day of June, in the year of our Lord one thousand eight hundred and of the independence of the said states the thirtieth.

TH: JEFFERSON.

By the President,
JAMES MADISON,
Secretary of State.

NORFOLK, July 9,

THE SEASON.—The unusual drought in this place and its vicinity, is more severe than has been experienced for 40 years past. There has been but little or no rain since the latter part of February. English grain, though light, will come in better than could be expected under such circumstances; but the crop of grass is entirely cut off owing to the dryness of the season. Our pastures are so burnt up, that the herbage is scarcely sufficient to keep alive the cattle. The spirit & hope of the husbandman have failed. Our gardens have perished, and an universal horror and gloom, spread over the face of nature. How long this truly melancholy scene will last, God only knows. We learn however with pleasure, that this pinching drought is not very extensive.

## BOSTON, July 28.

*From the West Indies.* Capt Witcomb, in the brig Ruby, 22 days from Guadaloupe, via Antigua, arrived at Newburyport. He informs, that on the 2d day after he left Point Petre, he was taken by a gun-boat and carried into Antigua, but cleared the next day. He learnt there, that Jerome Bonaparte's squadron had taken Montserat the 3d of July. The brig Nymph, and cargo, of this port, was libelled, on what particular account, we know not.

## PHILADELPHIA, August 1.

*Extract of a letter from Trinidad, dated July 5th, 1806.*

"Miranda is collecting ships and troops here, to proceed on his expedition, on the Main. It is generally believed here, that he will succeed, and a great number of respectable inhabitants have joined him as volunteers. I understand this government has ordered three sloops of war to cruize off where he intends to land, so that they may give him assistence in case he should want any; and it is said the government has backed his bills on the British government for his expenses. It is reported that he has received informa-