days since, and there are upwards of 20 American vessels now here, some condemned and others waiting for trial."

NORFOLK, February 5.

The British ships of war Bellona, captain Douglas, and Triumph, captain Hardy, of 74 guns each, and the Mermaid frigate, which have been at anchor in Hampton Roads for some time, sailed early on Thursday morning in great haste, in consequence of information received of a pilot being put on board an 80 gun French ship on Saturday last. It is generally supposed it must be admiral Willaumez ship the Foudroyant from the Havanna. If so there is very little chance of the British coming up with her, as she is considered the fastest sailer in the French navy.

American, AND Commercial Daily Advertiser.

FRIDAY, FEBRUARY 13, 1807.

The day of the trial of Captain Whitby, for the killing of Pierce, has been respectfully communicated to our government. In fixing the time of trial the British government in a spirit of conciliation has manifested, we understand, a cordial disposition to consult our convenience as to the sending forward of witnesses in behalf of the prosecution. And we are informed that, under arrangements already made by our government, seven or eight witnesses are about proceeding immediately for England.

We are well assured that the last letter to our government from our Ministers at the Court of St. James's, is dated November 11, and that then the treaty between the United States and Great Britain had not been made. It is, however, conjectured from the dispositions evinced on the part of the British government that a treaty has since been made, and that it is now on its way to the United States.

COMMUNICATION.

THE pretended delicacy of an introduction given as editorial in the Telegraphe to the publication of Mr. Livingston's hand-bill against General Wilkinson, although in itself not worthy of strictire, yet requires some slight notice, as it comes from a quarter, which is declared "to have given uniformly its approbation to General Wilkinson;" and might therefore, among the friends of that gentleman, be considered as a disapprobation of his conduct, extorted by candor, from unwilling conviction—However he might deprecate on behalf of a meritorious citizen, who, at this moment, may be risking every thing in the public defence, the determination of his friends, or the premature and hateful triumph of his enemies, the writer of this article would make it a point of no moment to the character involved, which side the Telegraphe exposed, and would be equally indifferent to its defence, which is lukewarm, as to its condemnation, which is trifling. The eagerness of publication with which a defamatory attack on a character "which had uniformly met its approbation," is ushered to the people, will shew the value of its friendship, and it is now submitted on the merits of the publication, upon which General W. is hastily condemned, what is the weight of its censure. But before we enter into a consideration of the hand-bill itself, the reader's attention is called to the following paragraph in the prefatory remarks under the editorial head, which, abstracted from the general subject, must cause in some surprise, in others indignation. The paragraph alluded to is in these words—"The nature of the accusations contained in it, [viz. the hand bill] the respectability of the accuser, and the *high situation* of the accused combined, make it a matter worthy the serious and impartial investigation of every citizen. The appeal of Mr. Livingston to the candid judgments of his countrymen, and his solemn protestations of innocence, leave the mind in a labyrinth of perplexity, and *raise a dubiousness whom to stigmatise as traitor.*" What in the name of common sense is meant by this idle parade concerning the "*high situation* of the accused?" Is it in public, or private life, that his 'situation is high?' In public this depends on office: in private life on character, honor, and a well-earned influence with our fellow-citizens. This observation can hold good in neither respect. His country tried him, but found him undeserving of trust, and his defalcation as an officer stands as a monument of broken faith, and violated honor, as a warning to his country, and a just caution against individual confidence. The most hardy cannot deny, that hitherto he has given no pledge of attachment to the country, but has exerted his talents to abuse the 'high situation' in which he *had* been placed, and of which his conduct rendered him unworthy. This expression then is either absurd, or like many other paragraphs in the Telegraphe, unmeaning. But what at this crisis shall be said of the insinuation conveyed by the latter sentence—And has Mr. Livingston's hand-bill "raised a dubiousness *whom to stigmatize as a traitor?*" Deplorable, indeed, must be our situation, if a reasonable doubt of General W's fidelity can still be entertained. At this moment, the safety, nay the existence of the union, may depend upon his patriotism and exertions; and yet now it is that this wise paragraphist, begins to doubt on the subject—However contemptible may be that proneness to suspicion, which scatters doubt indiscriminately, and whose trade it is, upon all occasions, to instil into the public mind jealousy of the state functionaries, still more unreasonable must be that temper which now blindly trusts, now absurdly suspects, and which carries confidence to the length, where caution becomes danger, and to retreat is worse than to go on. Thus in the instance before us—the Telegraphe begins to doubt, when doubt is in vain, and pretends farcically that "the mind is in a labyrinth of perplexity," when the die is cast.—Leaving the editor of this paper to amuse himself as he can with his 'perplexities,' and entreating the reader's pardon for taking up his attention with such trifles, it is proposed to take a brief survey of Mr. L's hand-bill and of the facts which he has himself exposed to the public.

To a right understanding of the nature of his complaint against general Wilkinson, and the respective merits of the accuser, and the person implicated by this hand-bill, it will be necessary to take a hasty review of the existing state of things at New Orleans, at the time the acts complained of were committed, and the hand-bill promulgated. And here it is impossible not to feel a mingled emotion of surprise and indignation, at such a publication appearing at such a moment. Let it be remembered, that however, our fears may be tranquilised on the event, and by late accounts from the western country the combination may appear crushed, and its resources diminished, at New Orleans all was in a state of alarm; the enemy in considerable force daily expected; the citizen trembling for his property, his person, his family; business at a stand; a distressing suspension of intelligence; the work of warlike preparation occupying the public attention, and to complete the general uncertainty, danger and distress, the skulking and pernicious agents of the conspiracy mingling with the people, ready to give intelligence to the enemy, to make proselytes to the cause, and in the moment of attack, prepared to aid the assault without by internal treachery. Such is the moment which Mr. L. selects as a fit occasion for the production of discord, and the dissemination of jealousy against the only man around whom the citizens are prepared to rally, and upon whose exertions and resources safety depends. It would surely be not unreasonable to suppose, that this new, but effectual mode of co-operation in the plan of the invader, has been resorted to by the subtilty of a lawyer, who thus evades the penalties, while he assists the purposes of treason. Let the ultimate object of this publication be what it may, the immediate tendency of its violent declamation was to diminish the public confidence in General W. and thus to weaken the means of defence; if complaint could be justly made, policy, at least, dictated, that it should be deferred, and his cause certainly would not have suffered in the public mind, if he had had the prudence to prefer the general safety to the vanity of creating a party and exciting a clamor.

In addition to this view of the state of the public mind at New Orleans, let the situation of General W. upon his arrival at that place, and for some time afterwards, be taken into consideration—Convinced that a most unprecedented and dangerous conspiracy menaced the peace of the country, perhaps the existence of the constitution, at his own risk, and upon his sole responsibility, he adopts the resolution of throwing himself into the gap, and defending the pass, and in the execution of this resolution to pursue the most energetic measures, flowing from necessity, and justified only by the occasion, for his country he was willing to run this, as well as any other risk; and to his country he looked for indemnity. With this, his fixed determination, he arrived in New Orleans. Immediately on his arrival, he is surrounded by the agents or emissaries of the plot, some of whom openly declare themselves, under the impression that he was prepared to sell his country, abandon his duty, and prostitute his influence with the army to the purposes of treason; while others stand aloof, insinuate distantly their views and wishes and await from him the encouraging sign for a more full disclosure. His known and ancient friendship for their leader, once among the most distinguished and favored of the country, the positive and unblushing assurance which had been made to his infatuated followers, that General Wilkinson's co-operation was secured; the confidence with which the plan had been developed to the General by the cyphered letter, and their own fondly indulged wishes so apt to mislead the judgment, rendered his assistance so probable, that they were unwilling to doubt it, and carried them to yield to their hopes, as if expectation had been strengthened into certainty.—Thus situated, he becomes, without any extraordinary finesse, possessed of the plan, the means and time of its execution, and the object of immediate attack; unquestionable evidence of the guilt of some is unguardedly furnished; while of others, suspicion is awakened; from what is discovered, a dark presentiment of danger, whose limits are unknown, and whose nature is undefined, is excited—How far the poison has spread, is matter of conjecture; at this important moment, confidence can only be reposed in safe hands, in characters above suspicion; the various seductions of ambition or in credit must be maturely weighed; the discontent of faction; the recklessness of turbulence must be suppressed—they who, from their past lives or present conduct, furnish grounds of suspicion, cannot be trusted; against such, the people must be put on their guard, and awful indeed is the responsibility of denouncing on suspicion.—But more remains to be done, and greater risk must be incurred; military power is to be exerted, and an authority other than the regular administration of law to be enforced; men were openly walking abroad, and mingling with the mass of the citizens, whose breath was poison; who were emissaries to pervert, or spies to inform; who, under the very nose of government, and in the heart of a garrisoned town, preparing for an enemy, were organising a party to co-operate with a band of traitors, leagued to besiege it. To seize upon and deliver up the guilty to the civil authority at New Orleans, would answer no effectual purpose of prevention or punishment. If committed to custody, the lenient provision of the law gave free access to their persons; their party could safely communicate on the means of delivery or revolt; emissaries of correspondence with the main body could be as certainly and conveniently employed, and (what was a matter of most serious consideration) an additional motive of attack on the town was furnished by the hope of liberating them, and the expectation that a plan may have been methodized for a diversion in their favor. If however, as was most probable, a total release of their persons, by *Habeas Corpus*, should be procured upon the ground that whatever treason might have been intended, there was no proof of its actual commission; the hazard of turning loose upon society, men emboldened by impunity and the weakness of the laws, in the more open and daring prosecution of their plan, would be so obvious as to require no sagacity to foresee, and only the resolution to hazard his responsibility for his country, to prevent.—Let the American most devoted to constitutional right, and the privilege of personal safety, whose heart beats most warmly for the glorious principles which the revolution cemented, on this trying occasion appeal to his own bosom for the justification of Wilkinson! If the public safety be the supreme law, the strongest obligation was here consulted, and let it not be said that the supreme legislative function was invaded, the distance precluded all timely interference, and the remedy would be too late for the evil, while the man who was to save the country, must deliberate, decide and act in the instant—Unfortunate, indeed, is his situation, who in the cause of patriotism must appeal to force; but while we lament the necessity, who will condemn the man who on the purest motives and at his own risk determines to yield to it!

Thus much as an exposition of the circumstances attending General W's arrival at New-Orleans, and the motives which determined his conduct. The handbill neither states these motives and circumstances nor offers any matter in refutation or denial of them. The motives of General W. are still left open to surmise, and the author states facts not at all inconsistent with those here alledged. What purpose then is Mr. L. to attain by the publication of this handbill? To prove his innocence of the guilt of which General W. had suspected him, might certainly have contented him, but in addition he charges the General with illegal and oppressive conduct in having dared to suspect him, and endeavors to cover him with obloquy on this account, and for having arrested and sent off to Washington those whom he more than suspected, and against whom he had irretragable proofs of treasonable plans about to be executed. How far he has succeeded in any or all of these views, it is for the American people to determine; but as one of that people, the writer of this article is free to declare, that the statement of the handbill, taking it to be true, has produced in him "no sentiment of grief, indignation or contempt."

The handbill after a most declamatory exordium, which promises neither candor nor decency, enters into a detail of Mr. L's situation in point of property, which he takes pains to shew not to be insufficient to satisfy his public debts, and in time meet his private obligations. This statement it is reasonable to suppose is intended to counteract any suspicion which in such a crisis might be entertained of a great *public Defaulter*, who having once violated his official obligations, by the embezzlement of the funds of the state, for which he is still indebted, might be supposed to be under peculiar inducements, and subject to stronger temptations to conspire against the government, as having nothing to lose, and every thing to gain, than one who by such a struggle can gain nothing, but may lose all. It is therefore that Mr. L. guided by the sure instinct of his own feelings, endeavors to remove the first and natural prejudice which his peculiar situation as a debtor to the United States, is calculated to produce against him in the minds of his readers. In so doing he certainly exhibits more to the public than could be known to General W.—and even admitting the explanation to be satisfactory, he tacitly acknowledges by the necessity he feels himself under of making it, that a ground of suspicion exerted in that gentleman's mind, founded on a presumption arising from his past conduct of a nature worthy of particular notice, although *no charge had been founded on it*, and of a totally distinct consideration from aught that appears to have been alledged in public or private by his accuser. Whether the public may be satisfied or not with his statement of solvency, which he deems so material to his justification, his doubts as to the amount of the debt which he owes to the United States, (which he cautiously states "may *probably*, be *between* thirty and forty thousand dollars,") certainly give no immediate prospect of its "liquidation."

Having as he supposes obviated this first natural prejudice, he commences a narrative of the intercourse between him and the General, immediately on the latter's arrival at New-Orleans, and refers to the conversation in which Mr. L. mentioned the affair of the bill drawn by Burr upon him in favor of Doctor Bollman, and adds with some degree of bitterness, the remark, that the general behaved with his "usual cordiality" towards him "until the very night before his denunciation."

To account for this conduct of the general is surely no difficult matter. With the same reason might Bollman reproach him for having listened to his plans, and having led him on to important discoveries, by demeaning himself towards him with his "usual cordiality." Although in no instance a friend to practiced deception, the most fastidious moralist would feel no revolting sentiment at the guarded conduct which, without committing faith by a promise, drew from treason its counsel, and disarmed rebellion of its instruments; which pledged no oath, and broke no covenant; where the aim was not self but the country, and where he who came to seduce was only not repelled with disdain.

But was the transaction above referred to calculated to create suspicion in the mind of General W? Let candor judge of his situation, and if his deduction was false, form his excuse. Satisfied that the contagion had widely spread, that men hitherto esteemed and trusted had yielded to the seduction, and that offers had been made to many of the leading men in New-Orleans, no wonder if a money-transaction between the arch traitor and Mr. L. by which the principal agent of the conspiracy on the spot was to be furnished with funds to carry on his treasonable operations, should excite distrust of the source whence the supply came; while the freedom of the communications, which were then unreservedly made to him by the unquestionable agents of the conspiracy, must have rendered it in his mind not improbable, that this intelligence was, as in many other instances, intended as a token of understanding, and a ground of mutual confidence. Those who, aware of the plot, strongly suspected General W. as connected with it, acted accordingly, some with less, others with greater caution, and it is no matter of complaint if the General who knew his own innocence, and was fully sensible of what was going forward, retorted suspicion upon those who apparently acted under its influence, and if the existing state of things gave a peculiar import and color to words and transactions otherwise in their meaning and tendency, innocent or indifferent. The mention of such a money-transaction at that moment was well calculated to raise doubts; to have supplied with funds him who was preparing to execute projects of destruction, must have appeared so monstrous, that to have considered such a circumstance in Mr. L's situation as totally accidental, must have required a penetration all-perfect, and all-seeing, that could enter the tabernacle of the human mind, and with infallible perspicacity trace every thought to its source, and every action to its motive. It is sufficient for General W's justification, if the common sentiment of mankind be with him, and what lover of his country in such circumstances would have less than suspected such a transaction?

But when in addition to the motives of doubt attached to this party's public situation, and this most unlucky money-transaction, is superadded the affidavit of Dr. Rodgers, cold indeed must be that judgment which is not affected by the proof, and luke-warm must have been General W's zeal for the public welfare, if he did not openly declare his mistrust, and put the people on their guard. We accordingly find him in open court discharging this duty, strictly confining himself to the transaction between Mr. L. and Dr. Bollman and the affidavit of Dr. Rodgers, and upon these two circumstances declaring an opinion of the guilt of Mr. L. And this is the offence, this the personal wrong of which Mr. L. complains—this is what he styles "an attempt to over-awe by denunciation, those who dared professionally to assert the authority of the laws;" that he should be *suspected*, and the suspicion undisguisedly and publicly stated, is the sum total, and real amount of the injury.

Of this wrong and the exasperation offered to the feelings of Mr. L. the public is enabled to judge from his own statements. Whatever may be the corrosion of mortified pride, or the interested clamor of suspected guilt, whether his views by this publication point only to the establishment of his innocence, or to the furtherance of factious and treasonable designs, the charge so loudly complained of, stript of declamation and gloss, whether referred to the abstract asserter of constitutional right, or the calm deliberator on national welfare, appears on the one hand supported by evidence, on the other justified by the occasion. No seizure of the person or property of Mr. L. follows the disclosure, and with the same entire safety he publishes an inflammatory handbill in the heart of a fortified town preparing for an enemy, against the commander in chief of the forces, by which in revenge for being suspected, he shews himself disaffected, and to prove himself no accomplice in treason, exerts himself to effect that which it would be the great object of treason to accomplish, to wit, the dissemination of discord, and the production of mutual distrust.

It remains to consider the other charges and invectives against General W. contained in this handbill. This shall be the work of a future occasion.

Letters are received in this city from Rio Janeiro, which state that Admiral Sterling and General Grey, with the fleet and troops from England, had arrived there. *Phil. pap.*

☞ On account of an error having crept into the act of Congress to suspend the non-importation law, we this day republish it, corrected. The words formerly omitted are printed in *italic*.

WASHINGTON, February 11.

ON MONDAY Mr. Lee delivered a short argument before the Supreme Court of the United States on his motion for a writ of *Habeas Corpus* in the case of Samuel Swartwout.

Mr. Rodney said it was not his wish in this stage of the business, to make any remarks. If it should be the determination of the court to issue a writ of Habeas Corpus he should cheerfully submit to it.

The Chief Justice said the court would give their opinion the next day.

ON TUESDAY, Mr. Harper observed that as the court had not yet given an opinion on the motion made by Mr. Lee, it was his wish in connection with Mr. Martin, to be heard as counsel for Dr. Erick Bollman. He said they were induced to make this request, from understanding that the court had some difficulty on certain points, which had not been so fully examined by Mr. Lee as their importance merited.

The Chief Justice said the court would hear Messrs. Harper and Martin to-morrow.

We have received a Nashville paper of the 17th of Jan. containing an account of the dismission of the militia raised by Gen. James Jackson, under the impression that no danger existed for their continuing embodied. These proceedings impressively manifest the patriotism of the state of Tennessee.

NAPLES, Nov. 7.

An American brig laden with sugar and coffee, has entered this harbor; she was boarded by an English squadron, who did not, however, hinder her from continuing her course for this city.

HAGUE, Nov. 24.

We had a terrible storm last night. A great number of vessels have suffered or been lost.

Marine Intelligence.

The Two-Brothers, Gray, 24 hours from Baltimore, has arrived at Norfolk. Capt. G. lost one man overboard by the name of John Hays.

The Mary, Baker, and Federal George, Field, of Baltimore, have arrived at Boston.

FORT OF BALTIMORE.

CLEARED,

Brig Isabella, Craig, Havana
Sch'r Number One, White, St. Thomas

Fire Companies take Notice.

IN consequence of but few members meeting last evening from some of the Companies, it was resolved to meet by adjournment on MONDAY EVENING, at half past 6 o'clock, at Mr. Bryden's, for the purpose of petitioning the Mayor and City Council, to aid in the original designs of the meeting—as the meeting is important, and matters of consequence will come before them, it is hoped that each company will be fully represented on the occasion.

February 12

NOTICE.

A Stated meeting of the ST. ANDREW'S SOCIETY, of this city, will be held at Bryden's, on *FRIDAY* ENSUING, at half past six o'clock, P. M. It is expected that the members thereof will give due attendance.

By order,
ANDREW BURT, Secretary.

February 9 — d4t

☞ Those who have already applied, and such as desire to forward orders for Insurance on their Lives to the Pelican Company of London, are informed that a safe private conveyance offers in a few days. The terms will be made known at the Phoenix Fire Office.

Feb. 11 d4t

Sale by Auction—Postponed.

THE cargo of choice New Orleans Sugars and other Groceries, &c. advertised for sale yesterday, was on account of the wet weather, postponed to this day, the 13th at 12 o'clock.

THOMAS CHASE, Auct'r.

February 13

In Cecil County Court,

September Term, 1806.

ORDERED by the court that Samuel Thompson, an insolvent debtor, make his personal appearance in court, on the first Monday of April next, to answer such obligations as his creditors may think proper to make.

Test,
JAMES SEWALL, Clk. C. C. C.

February 13 d3w

NOTICE.

THE Public are requested not to credit the crew of the brig Aid, as I am determined to pay no debts of their contracting.

NICHOLAS SULLIVAN.

February 13 d3t

Codfish, Mackerel, Salmon, &c.

300 boxes CODFISH,
200 kegs PICKLED SALMON,
100 do TONGUES & SOUNDS,
10 do. MACKEREL, &
2 hhds. N. E. RUM,

Just received and offered for sale by
ISAIAH MANKIN,
69, Smith's wharf.

February 13 d4t

In pursuance of Law,

There will be sold by Auction on the 12th March next, at the Custom House Stores, in Frederick-street, between Gay and Water streets, the following unclaimed Merchandize.

Marks.	Num.	Packages & Contents.
R G L T W C		1 bale Jerseys,
S W G In a rombus	3 611	1 do. Stuffs, 1 trunk Cotton Stockings, Silk Gloves, Pantaloon Hose, and Silk Veils,
None		1 cask Butchers' Knives,
do.		2 cases Marble Statues of Apollo & Venus,
do.		2 crates Earthen Ware,
do.		1 case French Books & Moniteur, bound, from 89 to 96,
W & S	215	1 box } Playing Cards,
R C & S	29	1 do. }
W & S		1 do. }
L P		2 do. }
No mark		1 bundle Steel,
B I C		1 do. containing 1-2 doz. Spades,
A A In an oblong figure		2 do. containing 1 3-4 doz.
B S Divided by a rombus		1 cask Curry Combs, and Brass Door Locks,
Two triangles with their points in reversion to each other		1 cask Sickles,
W S 8 B		1 do. Iron Weights, and Glue Pots,
No mark		1 do. Shoe Rubbers,
A F In a figure resembling a rhomboid		1 do. Sickles,
No mark		3 do. Bill Hooks,
do.		1 do. Spike Nails,
do.		2 do. Nails,
do.		1 do. Hoes,
do.		45 old Muskets,
do.		5 Swivels,
G M	1 . 2	2 cases Medicines for the yellow fever,
D	16 a 25	10 cases do. for the Teeth,
R M		1 case Quill Bark,
		27 small empty liquor cases,
		9 Iron Plough Shares.

Collector's Office, Feb. 12.

G. CHRISTIE,
Collector.

February 13 d30t

A Billiard Table,

WITH a license for keeping the same for 8 months, is offered for sale. The table is in excellent order, being supplied with good maces, cues, and balls, lamps, &c. Any person inclined to purchase may learn further particulars on enquiring at this office.

February 13. eo4t

DIVIDEND.

THE creditors of *James M'Candless*, late of Baltimore County, deceased, are requested to bring in their accounts properly authenticated, on or before the 16th March next; and on the first day of April next there will be a distribution of the assets in hand, made at the house of the subscriber, in Charles-street; all who neglect this notice will be excluded the benefit thereof.

THOS. C. JENKINS,
Administrator of Jas. M'Candless.

February 13 law3w

Ready for Service,

A MAN from Philadelphia, who professes waiting on gentlemen and ladies, and is willing to wait in taverns, stores, or private houses; who has his recommendations with him from some very respectable gentlemen of Philadelphia. For terms apply at No. —, Waggon alley, Baltimore.

N. B. He also drives Carriages, Coaches, &c.

February 13 d4t

BY AUTHORITY.

AN ACT

To suspend the operation of an act, intituled "An act to prohibit the importation of certain goods, wares and merchandize," and to remit the penalties incurred under the same.

BE *it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the operation of the act, passed on the eighteenth day of April last, intituled "An act to prohibit the importation of certain goods, wares and merchandize," be, and the same hereby is suspended until the first day of July next.

Sect. 2. *And be it further enacted*, That all penalties, fines and forfeitures, which may have been incurred by virtue of the provisions of the aforesaid act, be, and the same hereby are, respectively, remitted, on payment, by the parties by whom such penalty, fine or forfeiture may have been incurred, *of all costs which have accrued*, or may accrue before notice of this act shall have been received by the attornies of the several districts of the United States.

Sec. 3. *And be it further enacted*, That the President of the United States be, and he is hereby authorised further to suspend the operation of the aforesaid act, if in his judgment the public interest should require it: *Provided*, That such suspension shall not extend beyond the second Monday in December next.

NATHL. MACON,
Speaker of the House of Representatives.

GEO. CLINTON,
Vice-President of the United States and President of the Senate.

December 19, 1806.

APPROVED,
TH: JEFFERSON.

Notice is hereby given,

THAT the subscriber intends applying to the judges of Baltimore county court, (two months from the date hereof,) for the benefit of an act of insolvency, passed at November session, 1805, entitled, an act for the relief of sundry insolvent debtors.

JOHN YOUNG,

January 26 co6t