## American. Commercial Daily Advertiser.

RINTED W PUBLISHED BY W. PECHIN, 31, South Gay-Street. [Printer of the Laws of the Union.]

Daily Paper \$7 and Country Paper \$5 per ann All advertisements appear in both Papers

TUESDAY, SEPTEMBER. 15, 1807.

NEW-YORK, September 12.

POSTSCRIPT. The fast sailing ship George, captain Taylor, arrived at this port last evening, in 28 days from Greenock. She lest there "on the 13th of August; and captain Tayfor has obligingly furnished the editor of the Mercantile Advertiser with Greenock papers to the 12th, a file of the London Courier to the 9th, a Liverpool paper of the 6th, and the Clyde Shipping List to the 11th, inclusive. We have availed ourselves of all these resources: but our paper being pre-occupied at the time they came into our hands, our political extracts have necessarily been confined. We have in reserve the treaty between France and Prussia, the 87th builetin from the Grand Army, and several other interest. ing articles, which shall be duly noticed in our next number.

The London papers are crowded with extracts from American papers, relative to the attack upon the frigate Chesapeake. by his Britannic majesty's frigate Leo pard, which had made a very a armit: impression upon the minds of the merchanes and manufacturers in England.

London, August 4. The differences with America are likely to be adjusted. The right of searching ships of war has never, it is said, been insisted upon by our ministers.

We understand that Orders have been Issued to Liverpool and other ports, from the Alien Office, desiring that all passports granted before and since the embargo be considered as null; and that no foreigners be permitted to leave the coun-

August 8. It was yesterday strongly reported than the Swedes and the German Legion had made a sortie from Stralsund, and killed. wounded, and made prisoners, 500° Dutch and Spanish tro ps. Government have received no accounts with respect to the sortie, and no advices have been received from the continent this morning.

. It was reported last night, that accounts had been received via Portugal, of an attack upon Buenos Ayres, which had failed. We trust the rumor will prove unfounded.

It was reported yesterday evening, that a general embargo had taken place. The American captains caught the alarm and noves than 12 of them cleared their vessels in ballast, and dropped down the river immediately. The rumor is unfounded. It is persectly true however that no passports are granted, and no foreigners permitted to leave the country.

August 9. Up to this hour no advices have been received from either the one or the other division of our fleets, which have proceeded on the expeditions.

Yesterday the funds experienced a triffing advance, in consequence of the receipt of the Russian treaty, which, it had been reported, contained articles " hostile to the interests of this country. Mr. Jackson's mission to the tontinent, we are inf.rmed was in consequence of the 13th article of the treaty, which proposes the mediation of Russia to promote a prace between Britain and France. ()ur ministers, it is stated, have professed their desire for a permanent and equitable peace. Mr. Jackson is instructed to inquire'the basis on which France is disposed to treat with us, to enter in o explanation of the views of our Cabinet, and to create, by every honourable means, facilities to negociations. The Emperor Alexander, we are assured, has renewed to our Cabine ... declarations of the most cordial and unimated triend-

Nothing transpired yesterday respecting the expeditions—the wind having shifted to the northward, information of their progress is hourly expected by ministers. The troops which embarked at Hull and Grimsby still remain there; other corps have been ordered to join them, and they are expected to sail the latter end of the week. Observer.

We are still without any further acsounts of the progress of our Grand Expedition, towards which public expectation is now so anxiously directed. The promptitude and vigour with which It has been sent on its important destination, are we believe unexampled.— What remains to be done, we are to look to british valour and enterprize; and in this view experience forbids us apprehend any disappointment ngushman.

Yesterday a bag of letters was reseived at the post-office from Rotterdam, with letters dated on Saturday

last. The Expeditions from this country occasioned much speculation and a-larm in Holland. The garrisons of Alkmar, Medinblick, &c. had been marched to the Helder, and the troops at Flushing had, in like manner, been reinforced by drafts from the neighboring garrisons, under an apprehension that those places were the objects of our attack.

Dispatches were yesterday afternoon received at the foreign office from the court of Sweden-Their contents have not transpired.

The expected embargo on American vessels has not vet been adopted, but we are without the means of judging of the cause of this forbearance. We are informed that the American minister vesterday communicated to our cabinet, the Proclamation of the American Executive.

## STRALSUND.

The following is a journal of the events which have taken place besore Stralsund, since the Swedes were compelled to shut themselves up in the fortress:-

STRALSUND, July 15. " On Monday hostilities commenced, and yesterday the French were only two miles outside our gates. I stood with a gentleman on the remparts, near two hours, looking on, for ur could see enery movement quite distinctly. The French drove on, and at length drove all the Swedes (no British troops were sut), about 8 thousand, returned into the garrison, and we commenced a fire from the town on the French line; thirty were wounded out of the town, 2 killed and one officer. He are now shut up in the garrison; there is but little siring to du The French are now regularly attacking town, by constructing approaches. The Air was ut a great deal. I saw him yesterday saw all the troops come in, the wounded, 30 The transports are detained, and probably the troops will be sent home again; at present they are pushing them on here as fast us possible. In about a week I suppose we shall be bombarded, if the troops don't make a sail; ; and people here seem to fear if they do, that the French will get in with them, as they have done infore at Bois-le-duc, &c. Three regiments of German Legion infuntry, and one of cavalry, are here now, about 8000 men : the rest in full march through Rugen, and about 8000 Swides; il will take 18 or 20,000 men to garrison these works, I find. The cavalry with the eremy are Spanish, the other troops I ulians and Dutch. Tribage was burnt yesterday, just outside !! walls, by lightning; we have had a great deal

JULY 17. "Lord Catheart arrived last trigit ut o'clock and is much disappointed at our conject up condition. Nothing new since vesterday. have not been able to walk to the rimper's to get a look of the French, all nesterda or to day. Lord Catheart will now, I Wink, decide, whe ther we are to return or attack; we expect rathe return.

JULY 19. "Strasund is as full as it can cram, and we can go but a quarter of a mile out of town, our friends the French sticking so close as 1 and a half English miles off. This is sunday, but all the churches are full of horses, and the pews are filled with soldiers, bread, cheese, &c.

"The French are working at their batteries as kard as they can; a trifling siring it going on to-day. The King, I am told, waits the arrivalof a messenger from the Emperor of Russia, before he does any thing. The piquets of the army are close together. The French are quite round the town.

July 20-5 o'clock in the afternoon. "I have just learned that Lord Catheart tomorrow removes his head quarters to Purgen. the capital of the Isle of Rugen: in all probabllitu we shall go with him : it is said the three regiments of the German Legion now here are also to return to Berren. The King also leaves Strateund to-day. To-morrow it is imprised the town will be bombarded, or perhaps to-night. They have been sparring at each other all day. Imagine how full this place is, when all the country people, their carts, horses, &c. are driven in from before the enemy, with all the furniture this village to Novack, and from Nutzeck to and everything they could get away."

TREATY BETWEEN FRANCE AND RUSSIA. From the Royal Hague Courant Extraordinary, Tuesday July 28, 1807.

PARIS, July 25. Yesterday afternoon, at four o'clock the Prince Arch-Chancellor of the Empire laid the two treaties before the Senite, which have licen concluded with Russa and Prussa. He at the same time made a very impressive and dignified address to the Senate.

Between his majefly the emperor of the French, the King of Italy, and his Majesty the empe-

ror of all the Russias. His majeffy the emperor of the French, king of Italy, protector of the Confederation of the Rhine and his majelly the emperor of Russa, animated with the same interest in putting an end to the devastations of war, have for this purpose, nominated and furnished with full power on the part of his majelly the emperor of France and king of Italy, Charles Maurice Tallevrand, Prince of Benevento, his Great Chamberlain, and minister of foreign affairs, Grand Crois of the Black, and the Red Eagle of the Order of St. Hubert.

H's majesty the emperor of all the Russias has, on his part appointed prince Kourakin, his actual privy counsellor; member of the council of state, and of the senate; chancellor of all the orders in the empire, ambassador extraordinary, and plenipotentiary of his majesty of all the Russias to his majesty the emperor of Austria, knight of the Russian order of St. Andrew, of St. Alexander; of St. Ube; of the first class of the order of St. Wolodimir, and of the second class of the Prussian order of the black and red eagle; of the Batavian order of it. Hubert; and of the Danish order of Dennebrog, sami of the Perfect Trion, and Bailiff and Grand Cross of the Soverign Order of it. John of Jerusalom; and prince Demoty Labanoff. Van Rostoff, lieutenant general of the armies of his majesty the emperor of all the Russias, knight of the first class of the St. Anne,

of the military order of St. Joris, and of third class of the order of Wolodimir. The above menuiosed, after exchanging their full upowers, have agreed upon the following

Art, z. From the day of exchanging the ra-tification of the present Treaties, there shall be perfect peace and amity between his majesty the Emperor of the French and King of Italy, and his majefly the Emperer of all the Rus-

Art, 2 Hostili ies shall immediately cease at all points by sea or land, as foon as the intelligence of the present treaty shall be officially received. In the meanwhile, the high contract ing parties shall dispatch couriers extraordinary to their respective generals and commanders.

Art 3. All thips of war or other veilels, belonging to the high contracting parties or alien subjects, which may be captur d'after he figning of this treaty shall be reflored. Is case o' these vestels being sold, their value shall

Art. 4 Out of the esteem for his Majesty the Emperor of sel the Russas and to afford to him a proof of his fincer, delire to unite both nations in the ban's of immutable confidence and friendilip, the Emperor Napoleon wishes that all the countries, towns, and territorie, conquered from the King of Prusha, the Ally of his Majelly the Emperor of all the Russias should be restored, namely, that part of the Duchy of Magdeburgh, fituated on the right bank of the Rhine; the Mark of Pranitz: the Uder Mark; the Middle and New Mais of Brandenburgh, with the except: n of the Circle o. Kothus, in Lower Altace; the Duchy of Pomerania; Upper, Lower, and New Suelia, and the outy of Giztz; that part of the Diffried of the Neize, which is fituated to the northward of the road of Drietan and Schn i demunt through Waldau to the Viftula, and exte ding along the irm ier of the circle of Brombe g: and the navigation of the river Notice and of the canal of Bromberg, from D'icien to the Vittura and back, mutt rein in open and free of all tolls; Pomerella, the illand of Noget; the country on the right bank of the Vistula and of the Nugat, to the Wett of Old Pruffia, and to the Northward of the circle of Com. Ermeraud. Lastly, the Kingd m of Prada, as it was on the 1st Janua. ry, 1772, to gether with the fortreffes of Spandau, Stettein. Cullin, Giogau, Breslau, Schweidnitz, Neiffe, Breig, Kolel and Glatz, and in general all fertreiles, citadels, castice, itrong holds of the countries above named, in the fame condition in which there fortiefles. Citades, callies, and firong ho is may be at prefent; aite, in admitton to the above, the city and citadel of Granderts.

Art. 5. Those Provinces, which, on the ill Ja arry, 1772, fired a part of last langed mi of Poland, and have finer, at dincrem times, been such led to Prussia (with the exception of the countries named or attuil it to in the preceding Article, and of thole which thall be described below they a Articles mall become the poliessi nothis why evene King i Saveny, with power of ponession and severeignty, under the tile of the Durchy of Waradw, and thall be governed according to a regulation, wirch thall in are the liberries and privinges of the people of the said Dutchy, and be consiftent with the security of the neighbouring

Art. 6. The city of Dantzick, with a territory of two leagues arou. .. the same, is reflored to her former in sependence, under the protection of his Majetty the king of Prussia ar I his miles'y the king of Saxony; to be governed according to the laws by which the was governed at the time when the ceased to be her own mistress-

Art. 7. For a communication betwixt the kingdom of Saxony, and the duchy of Warriw, his majesty the king of Saxony is to have the free use of a m litary road through the states of his majelly the king of Prussia. This road, the number of troops which are a o ed to pais at once, and the resting places, thall be fixed by a particular agreement between the two sovereigns under the mediation of France.

Art. & Neither his majesty the king of Prussia, his majesty the king of Saxony, nor the cits of the true thall oppose any obilaties whatever to the tree navigation f the Vistela under the name of toll, righ s or duties.

Art. y In order as iar as posso: to establish a natural boundary between Russia au. the duction of Warfaw, the territory be ween the pre-Int confines of Russia from the Bug to the mouth of the Lassona thall extend in a line from the m uth o the Lassona alon, the rowing path of the said river, and that of the B bra up to its mouth that of the Nace, from the mouth of that? ver a far as Suradiz ir in Lissa to its source near the village of Mein; from the mount of hat iver beyond Morr; and finally all ng the towing path of the Lug upwards to extend as far at the presen frontiers of Russia. This territory is forever united to the empire of Russia.

Art. 10. No person of any rank or quality whatever, whose residence or property may be within the limits stated in the abovementioned article nor any inhabitant in those provinces of the ancient kingdom of Poland, which may be giv n up to his majesty the king of Prussia, or any person possessing estates, revenues, pensions or any other kind of income shall be molested in his person, or in any way whatever, on account of his rank, quality, estates, revenues, pinsions, income, or otherwise, or in consequence of any part, political or military, which he may have taken in the events of the present war.

Art. 11. All contracts and engagements between His Majesty the king of Prussia and the uncient possessors, relative to the general impost; the ecclesiastical, the military or civil benefices, the creditors or p usioners of the old Prussian Governmentare to be settled betwen the Emperor of all the Russius and His Majesty the King of Saxony; and to be regulated by their said Majesties, in proportion to their acquisitions according to Articles 5 and 9.

Art. 12. Their royal highnesses the dukes of Saxe, Cobourg, Oldenburg and Mecklenburgh Schweren, shall cach of them be restored to the complete and quiet possession of their estates, but the ports in the duchies of Oldenburg and Mecklenburg shall remain in the possession of Erench garrisons till the Definitive Treaty shall be signed between France and Britain.

Art 13. His Mujesty the Emperor Napoleon accepts of the mediation of the emperor of all the Russias, in order to negociate and conclude a Dennitive Treaty of Peace between speace and Britain, however, only upon condition, and this mediation shall be accepted by Britain Image mouth after the exchange of the ratification of the present weak!

Ast. 1s. His majesty the Emperor of the the Russias being desirous on his part to manifest how ardently he desires to establish the most intimate and lasting relations between the two emperors, acknowledges his majesty Joseph Napoleon, King of Naples, and his Majesty Louis Napoleon, King of Holland. Letter

Art. 15. His Majesty the Emperor of all the Russias, acknowledges the Confederation of the Rhine, the present state of the possessions of the Princes belonging to it, and the titles of those which were conferred upon them by the act of Confederation, or by the subsequent treaties of accession. His said majesty also promises, information being communicated to him on the part of the emperor Napoleon, to acknowledge those sovereigns who may hereafter become members of the Consederation, according to their rank specified in the Act of Confederation.

Art. 16. His Majesty the Emperor of all the Russias cedes all his property in the right of Sovereignty to the Lordship of Jever, in East Friesland, to his Majesty the King of

Art. 17. The present treaty of peace shall be mutually binding, and in force for his majesty the king of Naples, Joseph Napoleon, ins majesty Louis Napoleon, king of Holland, and the Sovereigns of the Confederation of the Rhine, in alliance with the emperor Napoleon.

Art. 18. His majesty the emperor of all the Russias also acknowledges his imperial highness prince Jerome Napoleon, as King of Westphalia.

Art. 19. The kingdom of Westphalia shall consist of the provinces ceded by the king of Prussia on the left bank of Elbe, and other states at present in the possession of his majesty the emperor Napoleon.

Art. 20. His majesty the emperor of all the Russians engages to recognize the limits which shall be determined by his majesty the en peror Napoleon, in pursuance of the foregoing 19th article, and the cessions of his majesty the king of Prussia (which shall be notified to his majesty the emperor of all the Russins) together with the state of posses. sion resulting therefrom, to the sovereign for whose behalf they shall have been establish-

Art. 21. All hostilities shall immediately cease between the trops of as Mai sty the Emperor of all the Russias, and those of t e G and Seignior, at all points, wherever official intelligence, shall arrive of the signing of the present Treaty. The High Contracting parties shall, without delay, ispatch Couriers extraordinary to convey the intelligence, with the utraost possible expadition, to the respective G nerals and Commaniers.

Art 22. The Prussian troops shall be withdrawn from the Province of Moldavia, but the said Provinces may not be occupied by the troops of the Grant Seignor, till after the exchange of the Ratifications of the future Definitive Frenty of Peace between Russia and the Oftennan Porte

Art 23 His majesty the emperor of all the Russias ac epts the mediation of his majesty the emperor of Force and king of Italy, for the purpose of negociating, a peace a van ageous and h n r ti to the two powers, and of concluding the same.

The resonation Phanipotentiaries shall repair to that piace which will be agreed upon by the two powers concerned, there to open the migociations, and to proceed therewith.

Art. 24. The periods within which the high contracting parties shall withdraw their troops from the places which they are to evacuate pursunt to the above flipulations, as alto the manner in " hich the different stipulations contained in the prefent tre dy thall be executed, will be se rie by a special agreement.

Art. 25. His Majesty the imperor of the French, King of Italy, and his Majesty the Emperor of all the Russias, mutually ensure to ach other the integrity of their possessions, and of those of the powers include in this present treaty, in the state in which they are now settled, or further to be settled, pursuant to the above s ipulations.

Art. 26 The prisoners made by the contracting parties, or those included in the present treaty, stall be restored in a mass, and without any acted a fexchang, on both sides Art. 27 Tec mmerc al telett na between

the French empire, the kingdom of Italy, he kingdom t Napies and Hollane, and the Confederated States of the Rhine, on the one side, and the Empire of Russia on the other, shall be replaced on the same footing as before the Art. 28. The ceremonial between the two

Courts of the Thuisieries and P tirsburg, with respect to each o her, and also their respective Ambassadors, Ministers, and Envoys, mu ually accredited to each o her, shall be placed on the footing of complete equality and reciproci-

Art. 29. The present Treaty shall be ratified by he Majesty the Emperor of the French, King of Italy, and his Maj thy the Emper a of all he Russias; the Ratifications shall be exchanged in this city within the space of four days.

Done at Tilsit, 7 h July (25th june) 1807. (Signed) C. M. TALLEYRAND,

Pr. of Benevento. Prince ALEXa. KUURAKIN. Prince D L. VAN ROSTOFF.

A true Copy. (Signed) C. M. TALLEYRAND, Pr. of Benevento.

The fast sailing ship Robert Burns, capt. Waite, arrived at this purt at a late hour last night, in 31 days from Liverpool, and brings London dates to the 8th August and Liverpool to the 10th. Also sispatches from the American Legation in London to the Secretary of state. When the Robert Burns sailed the American vessels were hurrying off being in daily expectation of an embargo. A London paper of the 8th says "that as yet there has been no embargo laid on American vessels. The Cincinnati sailed on the 9th, the Liberty on the 10th.

## Raab & Grewe,

No. 5, Market-Space, OFFER their services to a respectful public as Makers and Repairers of Musical Instruments. They make Forte Pianos of the most elegant and modern style; and, if required, can repair Organs and all other Musical Instruments. The Forte Pianos are as well made as any that can be imported from Europe. By calling upon them at any time one may be seen, which they offer for sale at a moderate price. By constant attention and assiduity, with an assurance that every exertion shall be made to afford satisfaction to those whose confidence may be extended to them, they bope to gain a portion of the public's friendly patronage. 

Wanted,

One or two Apprentices, to the Wholesele. Hardware Rusicess. Enquire stillie passe.

BURR'S TRIAL.

OPINION Of the court on a motion to arrest the evidence -delivered on Mon-

Continued from Saurday's American.

day, August 31.

It may now be proper to notice the opinion of the supreme court, in the case of the United States against Boltman and Swartwout. It is said that this opinion, in declaring that those who do not bear arms may yet be guilty of treason, is contrary to law, and as not obligatory, because it is extra judicul and was delivered on a point not argued. This court is therefore required to depart from the principle there laid down.

It is true, that in that case, after forming the opinion that no treason could be committed, because no treasonable assemblage had taken plac, the court might have dispensed with proceeding further in the doct ines of treason. But it is to be recombered, that the judges might act separately, and perhaps at the same time, on the various prosecutions that might be instituted, and that no appeal lay from their decisions. Opposite judgments on the point would have presented a state of things infinitely to be deplored by all. It was not surpri ing then that they shoul have made some attempt to settle principles which would probably occur, and which were in some degree connected with the points before

The court had employed some reasoning to shew hat with at the actual embodying of men war could not be levied. It might have been inforred from this, that those only who were so emb died could be guilty of treas in. Not only to exclude this inference, but also to affirm the contrary, the ourt proceeded to observe, alt is not the intention of the court to say that no individual can be gulty of this crime who has not appeared in arms against his country. On the contrary, if war be actually levied, that is, if a body of men be ac ually ass subject for the purpose of effecting by lo ca a treasonable object, all those who perform any part, however minute or h wever r mote from e scene of action, and whereare actually leagued in the general con piracy, are to be con-idered as traitors."

This cour is told that if this opinion be incorrect it ought not to be obeyed, because it was extra-judicial. For myself, I can say that I could not lightly be prevailed upon to disobey it, were I even convinced it was erron ou but I would certainly use any means which the law placed in my power to carry the question again before the supreme court, for reconsideration, in a case in which it would directly occur and be fully argued.

The court whi h gave this opinion was composed of four judges. At the time I thought them unanim us, but I have since had reason to supprise that one of them, whose opinion is entitled to great respect, and whose indisposition prevented his entering into the discussions on some of those points which were not esse tial to the decision of the very case under consideration, did not concur in this particular point with h s bre hren. Had the opimon been unanimous, it would have been given by a majority of the judges. But should the three who were absent concur with that judge who was present, and who perhaps dissents from what was then the opinion of the court, a majority of the judges might overrule this decision. 1 should therefore feel no objection, altho I then thought, and still think the opinion perfectly correct, to carry the poist if possible again before the supreme court, if the case should depend upon it.

In faying that I think the opinion perfectly correct, I do not confider myfelf as going further than the preceding reasoning goes. Some gentlemen have argued as if the supreme court had adopted the whole doctrine of the English books on the subject of accessaries to treaton. But certainly such is not the fag. Those only who perform a part, and who are leagued in the conspiracy, are declared to be traiters. To complete the definition, both circumflances must occur. They must " perform a part," which will furnish the overt act. and they must be " leagued in the conspiracy.". The person who comes within this description. in the opinion of the court levies war. The present motion, however, does not rest upon this point; for, if under this indiament the United States might be let in to prove the part performed by the priloner, if he did perform any part, the court could not stop the telumony in its prefent stage.

2d. The second point involves the character of the overt act which has been given in ... evidence, and calls upon the court to declare whether that ad can amount to levying war. Although the court ought now to avoid any analysis of the testimony which has been offered in this case, provided the decision of the motion should not rest upon it, yet many reasons concur in giving a peculiar propriety to a delivery, in the course of these trials, of a detailed opinion on the question, what is levying war !\ As this question has been argued at great length, it may probably fave much trouble to the counsel, now to give that opini-

In opening the case it was contended by the attorney for the United States, and has fines be n maintained on the part of the profecution. that neither arms nor the application of force or violence are indispensably necessary to constitute the fact of levying war. To illestate these positions several cases have been stated. many of which would clearly amount to treason, In all, of them, except that which was probably intended to be this cale and on which no observation will be made, the object of the allemblage was elearly treasonable : its character was unequivotal, and was demon-Arated by evidence furnished by the assemblage ittalfeithere was no necessity to rely upon internetion drawn from extrinfic fources, or in offer to underfland the fact, to puriue & southeof intricate reasoning, and to con jedure august 2