

imputed—namely, that the vessel is taken in the act of deviation, does not exist in this case. In other cases it frequently happens, that the port of actual destination, requires some change of course for that of avowed destination; and the vessel being found in that altered course, betrays the fraudulent intent—not so in this case or others which may resemble this—for I understand it to be universally admitted, that the course from the American ports on the Atlantic to New Orleans in the Gulf of Mexico, necessarily takes a vessel down upon the coast of Cuba, from whence a deviation may be made into any of the ports of that island, without the possibility of hindrance, or of detection in the act of doing so.

This opportunity, no doubt, opens a wide door for fraud, and to corrupt human nature, the facility of evasion, will often furnish an incitement to evil. Such frauds may prejudice the rights of a Beligerent Nation, and may affect the interests of Belligerent cruisers—and the knowledge that such opportunities exist, must justly rouse the vigilance of the court.—But beyond vigilant enquiry the Court cannot go. It would be too much to impute a latent intention of fraud to a person, merely because a fraud is within his reach. While the same course continues common to both voyages, it is impossible for the Court to infer that a vessel bound to the remote port, means to stop at the nearer one *in transitu*, unless other circumstances exist to shew that intention.

This case, I have said, does not furnish such circumstances in itself.—But certain papers have been invoked from the case of *La Liberté*: a capture made by the same privateer, and lately adjudged in this court.

That vessel had carried pitch and tar from the port of New Orleans, and by a comparison of the papers in that case and the present, it appears that these articles at Baltimore, are respectively 75 and 50 per cent higher in price than at New Orleans. It is argued from thence, that this immense variance of price, and the absolute certainty of loss at the port of avowed delivery, make it wholly incredible that the vessel was really going to that port. If this is an inference which is not wholly founded, it must yet be confessed to have considerable weight. I have given it every possible attention, and, in so doing, I have endeavored to turn my mind to every case which could either directly, or by analogy, throw light upon the present.—But, as the result of all my reflections, I must declare, that I find no authority which warrants me to say, that the destination of a vessel is affected by the single circumstance of her cargo going to a bad market, especially when that destination is so distinctly sworn to, as in the present case. Were those oaths out of the case, it would be but fair to make some allowance for the variations which may take place in the interval between the origin of such a transaction and its consummation. But passing by the positive documents of the case, and following only these arguments of probability, I must observe that the inference of a false destination is strongly negatived here by another circumstance of this case, incidental indeed, but, in this view, even stronger on that account; I allude to the vessel being charged with Commissions for the Governor and other public officers at New Orleans. A circumstance which shews, that in the estimation of persons of some eminence at the port of clearance, this vessel was really bound to the place of her avowed destination.

Again it has been argued that the nature of the cargo makes it improbable that it was going to New Orleans—that such cargoes are commonly exported from there, as in the case of *La Liberté*, but they are never imported there. These points are not in proof before the Court, but in reply to the argument, I may observe, that the best authorities on such subjects, have conceded much to the varied nature, and multiplied combinations of modern commerce.

It has also been very weightily pressed upon me, that extensive frauds of this nature, are in daily practice—that if the court fails to lay its mark upon this case, such frauds will be continued and encouraged—that now is the time to say whether such practices are to stop or to go on.

I am far from maintaining that the court is to shut its eyes, and be insensible to the passing transactions of the world; on the contrary, they must sometimes have a proper influence in guiding its determinations. But I must notice that the vigilance of our cruisers has not hitherto instructed the court, in one single instance—that such frauds are in daily practice; and I am now, setting here, for the first time informed of its notoriety by the learned doctrine.

How the decision of the court on this occasion, can have any influence in protecting, in other instances, such frauds as are said to exist, I cannot conceive; every case must, according to the mild doctrines of our admiralty law, stand upon and be judged by its own merits, and if that doctrine is more particularly applicable to any one class of cases than another, it is so to the present. If it is thought that from the decision of this day, an inference can be drawn that the practice of false destinations, and fraudulent deviations is to be encouraged, against that conclusion, I must emphatically enter my protest. There is no more important duty which this court owes to the state, or to its lawfully constituted officers, than to declare that the practice of

carrying noxious articles to the enemy, under an avowed destination to a neutral port, is, in the highest degree penal; and when cases of that sort are brought to adjudication, the court will not, I trust, be found backward to apply to them that rule which its solemn duty demands. But, ever maintaining that principle in its fullest extent, I am bound to add, that the evidence now before me, does not constitute a case to which that principle can be applied—that the papers and depositions concur in pointing to a real neutral destination, and consequently that it is a case for restitution. At the same time, I think it was a case with enough of doubt about it, to make it proper that it should be submitted to the decision of the court—that decision has been had with the utmost possible expedition, and I therefore direct that the expenses of it should be borne by the claimant.

NASSAU, August 23.—Brig Gayoso, lately cleared in the Court of Admiralty, sailed yesterday for the Havana.—Passenger, Mr. P. B. Gainsford.

August 30.—JUNE PACKET.—The capture of the June Packet, we are sorry to state, is confirmed by Lieut. Bernardine from Jamaica—who was boarded from the Caystort frigate, and informed she had been carried into St. Jago de Cuba by a French privateer.

The New York Board of Health report on Friday 13 new cases of fever—and 13 deaths—on Saturday 13 new cases, and 9 deaths.

The Board of Health of Philadelphia report for 48 hours, ending on Monday at 11 o'clock—11 new admissions into the hospital—twelve deaths—7 discharged, cured—and 42 patients in the house—15 of whom are recovering.

They are 53 new cases in Southwark—9 in the city, and 18 adults, and 3 children buried within the same time.

Our country friends who are in arrears, and who may visit the city at this healthful season of business, are requested to favor the editor with a call.

Ferguson's Packet will sail on THURSDAY NEXT.

SHIP NEWS

Port of Baltimore.

ENTERED, Brig Betsey, W. Ross, Guadalupe

From the Merchants' Coffee-House Boats. September 13.

Arrived schooner Susan & William, Clark, from Boston. Saw a ship and a brig astern in the bay standing up.

New-York, September 16. Arrived since our last.

The ship Telegraph, Henry, in 55 days from Liverpool. Spoke, August 30, in lat. 43, 41, long. 43, 30, a schooner from Kennebec. September 5, in lat. 40, 32, long. 56, the ship Friends, 8 days from Philadelphia for Bordeaux. September 9, in lat. 40, 17, long. 69, was boarded by the British sloop of war Hawk, in co. with the ship Ocean, a prize. September 11, was boarded by the British brig Bus, and treated politely. Passengers, Messrs. Richard Wheatley, Edna Hill, William Hill, Robert Start, Ann Start, and Hugh Nesbit.

The ship Hero, Rea, in 35 days from Madeira. Left no Americans. September 10, lat. 40, 10, long. 68, 16, was boarded by the sloop of war Indian, and pressed Wm. Jones, an American. On the 8th she had boarded the brig Cato, of Kennebec, bound to the West-Indies, which vessel had lost spars, deck load, &c. by a water spout—all hands saved, and intended to make the first harbor. The Indian had a large ship, her prize, said to be Dutch, but had American colors. Sept. 12, lat. 40, 24, long. 69, spoke the ship Enterprize, Thompson, from Bordeaux for New-York, out 20 days, having been taken off Long Island by a British sloop of war, and then steering for Halifax with a prize master on board. Sept. 19, lat. 40, 10, saw a number of pine boards and some staves—shortly after, saw a ship or brig's masts, goods, sails, rigging, &c.

The brig Sussex, Lee, in 25 days from St. Pierre's. In lat. 29, 30, long. 86, 12, spoke the brig Columbia, 31 days from Trinidad for Boston.

The British brig Nancy, Thomas, in 10 days from St. Johns.

The Swedish brig William and Eliza, in 18 days from St. Bartholomews. Left brig Neptune, Upton, to sail in 3 days for Philadelphia; ship Friendship, Little, to sail soon for New-York, to touch at St. Martins; brig Sally, Record, to sail for New-York in 2 days; and sloop Bayona, Lewis, for Alexandria, in 8 days.—Sept. 6, in lat. 33, long. 71, spoke the brig Integrity, Funk, 8 days from New-York for Jamaica. Just to the southward of Cap-Jattars, spoke the brig Charles, of Portland, from St. Bartholomews for New-York.

The schr. Franklin, Jenkins, of Hudson, in 39 days from Cape de Verd. Left

two Americans, but not known. Spoke off Barnabat, the brig Patty, of New-York for Madeira.

The ship Richard, Rogers, in 15 days from St. Croix. Left brig Sarah-Ann, Scott; schr. Sincerity, Ridgeway, both for New-York in a few days; brig Ceres, Thompson, of and for New-Haven. In the Sail Rock Passage, was brought to and boarded by an English armed schooner; after being detained about two hours, was suffered to proceed. Markets at St. Croix dull. Corn Meal \$24. Flour 9, Beef 10, Pork 20, Red Oak staves 24, Hoops 48.—Passengers, Messrs. John Semples, and C. H. Filiger, Miss S. Coppinger, Miss E. Renigger.

The brig Paisley, Noyes, in 21 days from St. Pierre's, Martinique. Left schr. Commerce, Wilson, New-York; brig Actress, Tinker, do. schr. Marina, Siddeman, do. Dart, Gano, for Guadalupe; Roebuck, Runyan, Philadelphia; sloop Mary, Nichols, New-Haven; schr. Mars, Lynch, do. brig Beckford, Mudge, Boston; schr. Dores, Wright, do. brig Sampson, Killivan, Portland; Havannah, Low, Salem; schr. Splash, just arrived from New-York. The schr. Somerset had arrived in 18 days from New-York.

The brig Charles, Roach, in 30 days from Trinidad, and 28 from St. Bartholomews. Left at Trinidad, sloop Stork, Eldridge, Boston; ship Volunteer, Combs, of Philadelphia, detained; brig Julia, Wilson, for New-York in 2 days; brig Resolution, Barnes, of Portsmouth, cargo 2000. At St. Bartholomews, 51 Sable, Baskets, for New-York in two days; ship Friendship, Little, of N-York for St. Martin in 2 days; a New-Haven sloop, and schooner M'ellan, for Portland. Spoke, August 29, in lat. 26, 39, long. 70, brig Paragon, Howland, 8 days from Martinique for New-York. 31st, lat. 25, 54, long. 71, brig Ruby, Small, from Portland for Havana, in great distress, having met with a severe gale, by which a his vessel was over-set, and lost his masts and every thing on deck; and remained full of water for three days, having no provisions but raw beef to eat, and little water—he was trying to get into Charleston—supplied him with provisions, water, and other stores. September 7, in lat. 36, 2, long. 75, ship Hope, Graham, 8 days from Havana to Rhode-Island.

The ship Merry Quaker, Cazneau, of Bolton, in 40 days from Cadiz. This ship was obliged to throw over her salt. The ship Columbia, Morris, have her salt over, sent her wine to Algeiras, going there to take them in; brig Mary, Wood, of New-York, for Dublin. Vessels sent into Gibraltar by Admiral Colville, for a breach of blockade; ship Hero, of New-York; brig Rover, Boston; Betsey, New Bedford; Albert, Alexandria; ship Argus, Norfolk; Moses, Myer, Boston; Paulina, Alexandria; Hermae; Holt, the brig Nancy, of Boston, from Norfolk, was at Cadiz. Captain C. sailed from Cadiz 5th Aug. when signals were hoisted for the Spanish fleet from Cathagen, consisting of 8 sail of the line—in consequence 6 sail of the line dropped down to the mouth of the harbor to join them. On the 6th of August he had a heavy cannonading, spoke the brig Columbus, 43, at from Trinidad for Boston. Cadiz was strictly blockaded.

Cleared, brigs Virginia, Lee, Guadalupe; Hero, Thompson, West India; *Holly Cattle, Westwood, Baltimore*; schr. Martha, Stodder, Alexandria; Mary, Broadbrooks, do.

For Sale, On accommodating terms, ONE fifth part of an undivided LOT of Land, situated and lying on the corner of Hanover and Barre-streets, viz. 172 feet on Hanover and 132 feet on Barre-street. This lot is a desirable situation, and commands a complete view of the city, and is subject to a ground-rent of the small sum of 40s. per annum.

Also, A LOT in fee simple, situated and lying in Frederick-street, 32 feet front and running 166 feet back; and also, a LOT situated and lying in Old-town, running 150 feet on the old mill road, and 75 feet deep, in fee simple.—All or either of which will be sold on a long credit, or bartered for dry goods, as may be agreed on. Indisputable titles will be given. For terms apply to the subscriber, who can be seen at Mr. Frederick Prill's, Gay-street.

September 19 d4*

To Merchants and Shipbuilders. I would sell as much

White Oak Timber, OF the first quality, as will build from 1000 to 10,000 tons of vessels, either standing convenient to good building and shipping landings, or deliverable at such landings, in such a state, and in such quantities as may be agreed on.

Matthews county is situated within a few hours sail of Norfolk, or a days sail of Baltimore, and abounds with shipbuilders and ship carpenters of the first reputation for building good and fast sailing vessels of all sizes usually built in this country.

If desired, the purchaser may be accommodated with from one to two thousand acres, or a larger quantity of rich land, partly cleared, and now in cultivation, and partly containing the above mentioned timber.

For terms and further particulars, apply to Messrs. Wm. and Hugh Nelson, in Baltimore, or to the subscriber at North End, in Matthews county. ANDREW VAN BIBBELL.

September 19 d3w

House to Rent. TO an approved tenant, I will rent my house, No. 28, Hanover-street.

September 16 W. B. HAWKINS. d

Dancing School. P. L. DUPONT presents his respects to the Ladies and Gentlemen of this city, takes the liberty of informing them that as soon as his CLASSES are made up, he will commence TEACHING; his SCHOOL-book is now open for the reception of their respective names, at No. 104, Market-street, between South & Calvert-streets.

September 19 d4

Irish Linens. JUST received per Ship Independence, from Liverpool, 6 trunks and 3 cases 4-4 and 7-8 IRISH LINENS, which will be sold on accommodating terms, by JOHN DIFFENDERFER, No. 63, M'Eldey's wharf.

September 19 d6t

Removal. JOHN ANDERSON HAS removed his *Hat, Cap, and Spectacle M'factory* from 6, South-street, to 66, Market-street, next door above J. and W. Norris's.

September 19 law

C. Ghequiere & H. Kunckel, HAVE imported per the ship Washington, Captain Tecklenburg, from Bremen, 51 bales linens, consisting of strong hempen ticklenburgs, osalburgs, burlaps, hessians and brown pells, assorted, which we offer for sale to our punctual customers on the usual credit or in barter for coffee or Maryland tobacco.

We expect a further supply by some of the first vessels from Bremen. September 19 d

FALL GOODS. Bolton Jackson & Co. Market-street, (opposite the Columbian Inn.)

HAVE received by the different arrivals from Liverpool, and the Perseverance from London, a very general assortment of DRY GOODS.

Amongst which are, a variety of packages suitable for the West India market—A considerable portion of them having been purchased for bills at short dates, it is presumed they will be found on inspection, as low as any offered for sale at this market.

N. B. A few cases black India lutestrings and senshaws, will be sold cheap. September 19 d

George Hoffman, HAS imported by the several vessels from Liverpool, London and Hull, a general and well selected assortment of

FALL GOODS, Opening at No. 171 1/2, Market-street.

Also, in packages, suited for exportation, 10 bales Blue Broad Cloths 11 ditto British Osamburges 3 cases Pullicat Handkerchiefs 4 trunks Madras ditto 5 cases coloured and White Muslins 32 ditto Men's Hats 4 trunks Striped Gingham, &c.

It has received by the Perseverance from London, A good selection of FASHIONABLE FANCY ARTICLES. September 19 co5t

To be Sold or Rented, THE PLANTATION whereon the subscriber now lives. Any person disposed to purchase, by applying shortly may obtain a great bargain.—The great advantages attending this valuable place, have been described in an advertisement published in April and May last. The terms of sale will be the most accommodating to the purchaser of any place ever sold within so short a distance of Baltimore city.

WM. STENSON. N. B. That property approved of in Baltimore city or precincts, will be taken in payment for the whole or in part, as may best suit the purchaser. W. S. September 19 ca3w

Columbia Garden. ON THURSDAY EVENING, September 19.

The garden will open with A Grand Concert of Vocal and Instrumental Music; TOGETHER WITH Fancy and Pastoral Dances, Views, Transparencies, Feats of Agility, &c.

A comic discursive piece, in one act, called Sylvester Daggerwood, THE MAD DUNSTON ACTOR. Ending with a descriptive song.

Sylvester Daggerwood, Mr. Durang—Fustian, (an author) Mr. Mestayer. Mrs. Mestayer will go through surprising Equilibriums on the

SLACK WIRE. In the circus—a comic scene called

The Clown's Entertainment. Characters—Farmer Scroggins—Dr. Horse-leech—P. Pounce—Tailor Tit—Clown—Mr. Degraft will leap the Complanter over the Table.

Singing by Mrs. Mestayer. A comic pantomimical dance, called The Metamorphosed Lilliputian; Or, The Poor Old Woman of Eighty. With the original songs. Characters—1st. The Fricasse, danced by a dwarf Swiss and a Dutch Girl.

2d. The Punchinello's dance by a figure of 2 feet high.

3d. The Lilliputian, changing from a man of 3 feet to a woman of 6 feet high—accompanied by Dunderpat Dismal—the Clown.

A characteristic song and dialogue, called The Tinker and his Budget, By Mr. Durang.

The whole to conclude with a Seafaring Ballet, with Songs, Dances and Business, told in action, called The Constellation's Crew's Return; Or, the Dance House on Fell's-Point.

In which is introduced a scene in dialogue between two sailors in the street—Characters—Sam Spritsail—Ben Bowsprit—Tom Tackle—Old Boatwain—Cabin Boy—Sailors—Poor Jack, (with a song, Huzza for the Constellation) Mr. Durang.

Beggar Girl, (with a song) Mrs. Mestayer—Fruit Girl, Miss M'Killin—Lasses, Landlady Roundabout, A Triple Hornpipe, by Mr. Master and Miss Durang—Ending with a dance by the characters. September 19

Sale by Auction. THIS DAY, The 19th inst. at 10 o'clock, at the residence ware-house, at the corner of Second and Frederick-streets, will commence the sale of DRY GOODS,

Among which are, 2 bales Woolens 1 box 4-4 wide Irish Linen 1 case Durates 1 do Book Muslin and Handkerchiefs.

Also, An invoice of Trunks, Linens, and Tossels, Silk Hosiery, Silk Gloves, Thread, &c. And at 12 o'clock,

67 lbs. of good Muscovado Sugar 69 barrels do. 300 bags Good Coffee 17 lbs. of excellent Green Do. 12 pipes choice Lisbon Wine Madeira, Teneriffe, Port and Foyal Do. A few pipes of excellent Cogniac Brandy, Jamaica and other Rum, Gin, &c. &c.

THOMAS CHASE, Auctioneer.

Sale by Auction. Will be called to our sale, This morning, 4 bales damaged Hessians, for account of the underwriters. Also,

1 cask Britannia Water, assorted 1 do Knives and Forks And at 12 o'clock, 100 boxes Brown Havana Sugar 12 lbs. Bordeaux Claret 12 cases good Rice 10 barrels Beef

THOMAS CHASE, Auctioneer. September 19 d

For Havana, The schooner ELIZA VICKERY, STEPHEN VICKERY, master, A regular trader.

She will commence loading this day, at Frederick-street dock, opposite Messrs. Van Wyck and Dorsey's auction room, and will sail with all possible dispatch. For freight apply to the master on board.

N. B. Eight or ten passengers can be well accommodated in the cabin. September 19 d

Payton and Smith HAVE FOR SALE, 60 lbs. New England Rum 10 pipes 4th proof Cogniac Brandy 15 pipes Holland Gin 12 lbs. Muscovado Sugar 2 casks Currants

10 boxes Cotton and Wool Cards 100 lbs. Boston Pork, No. 1 100 lbs. Mackerel 60 boxes Spermaceti Candles 80 boxes Mould do 100 boxes Brown Soap 30 casks Spermaceti Oil 30 casks Malaga Wine 10 casks Colmar do 6 lbs. Loaf Sugar 2 packages Osamburges 1 box Brabant Linen 1 do Brown Platillas 5 tons Russia Hemp 50 pieces Russia Duck Imperial, Hyson, Hyson Skin and Souchong Teas, Wrapping Paper, Beef and Pork in barrels and half barrels, &c.

To Rent, THE WAREHOUSE on Bowley's wharf, lately occupied by Messrs. Bigelow and Proud. Apply as above. September 19 d4t

A Clerk Wanted. A YOUNG LAD, who is well acquainted with accounts, that writes a good hand, and can produce satisfactory recommendations, may bear of a situation, on application to the printer.

N. B. If the applicant is from the country, it will be preferred. Sept. 19 d4*

Irish Linens, &c. JUST Received per the Diana, and for sale by WM. WILSON & SONS.

Who have also on hand, Holland sail cloth, 1st and 2d quality, Russia canvass, ratens duck, Drillings, tickens, platillas, Osamburges, ticklenburgs, Sheathing copper, bolts and nails, Tin plates, English steel, Cruct frames, Japanned ware, Brass Kettles, Madder, Glazed tiles, and 27 lbs. James River Tobacco. September 18 d4t-co8t

Second Presbyterian Church LOTTERY TICKETS.

THE Subscribers having contracted with the Managers of the above lottery for the remainder of the Tickets on hand, take the liberty of informing the public, that they can only be had at the office of Samuel Vincent, 44, north Gay-street; at the book and stationary store of Sower & S. Cole, 3, Light-street, next door to the coffee house; and at the printing office and stationary store of George Dobbin and Murphy, 4, Baltimore-street, within one door of the bridge. As the quantity of tickets on hand is very small, they will be sold at the following prices till Monday next, the 23d inst. when they will be further advanced, viz.

Whole Tickets, dolls 5 50 Half do. 3 0 Quarter do. 1 75 * * * Prize tickets taken in exchange. Correct Numerical Check-Books kept at the several places of sale, and tickets examined and registered on moderate terms. SAMUEL VINCENT, SOWER & S. COLE, G. DOBBIN & MURPHY. September 18 d4t

For sale, A CARGO of excellent Lyngington SALT, just received per the ship Smallwood. JAMES BIAYS. September 16 d12t

Four Dollars Reward. STRAWED from the subscriber living on St. Howard's Hill—a milk COW, of a milking size; of a yellow brown colour, her right horn shorter than the other, a white spot on her forehead, nearly the shape of a heart, six tines, two of which are small on the hind part of her bag. Whoever brings home said cow shall receive the above reward. CHARLES BARBINE. August 22 2w