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SAFURDAY, JANUARY 11, 1806

The foliowing decision, and remarks there on are copied from the Newport Mercury, a high toned anti-republican print-

SHIP HOPE, ROMINSON, OF THIS PORT.

on the next year. own_nation. What they establish beciple established by the Lords of Appeal principle was admitted and strenuously supported:-And although the capture in this case was confessedly illegal, and upon trial it appeared that even a Court of Admiraler could find no pretence for condemination, yet damages were denied, and costs and expences, to a large amount, paid by the claimants. The English Admiralty Courts, seem to adopt at the present day, in respect to neutral property, the same maxims of law and evidence 'as were formally in a corrupt and bloody period of their history, adopted by their criminal courts, in respect to high treason. They make intention a crime, and prove the intention by conjecture. They make zecharge, alledge criminality, but feel no obligation imposed on themselves to prove

ciples. [!!!] DECISION Of the Right honorable Sir William the ship Hope, of this port, Robert · Robinson, master.

the justice of Great-Britain, will lead her

to disavow.—At any rate, it is the duty

and the right of this country to deny and

resist it. This is a point on which all

parties are united. All questions of con-

troversy ought now to be avoided. If the

present administration will by spirited and

-dignified measures, save our wide spread

commerce from its impending ruin, vin-

dicate our violoted rights and insulted

honor, procure indemnity for the past, and

security for the future, we ought to throw

a veil of oblivion over its past sollies and

offences, and encourage, by our approba-

tion, their late, but we hope not insincere,

conversion to sederal measures and prin-

Tills case is pressed, upon the part of the captors, on the ground of its being a cargo taken in at an enemy's colony, (Manilla) and after touching in America, is brought on to the enemy's country in Europe, without breaking the continuity of the voyage, by any act done; and in respect to his question, there is no evidence here, that the continuity of the voyage was sufficiently interrupted. Since the case of the Essex. Orne, a mere importation with intent to exporting again, is not to be taken as a discontinuity of the voyage; and I am surprised at the observation made, as if this was a novel rule, a new rule introduced. I apprehend it is a clear and ancient principle, and perfectly justifiable. It is not going to a neu-

that port in passing, but it must be a bone side mportation, anti-established by evidence, that the continuity of the voyage is solemnly broken with respect to the cargo; in that case the court will look no further. - The time of a vessel staying is, of importance, as it shews the intention of the parties. If it is extremely short, the presumption arising is of an evasive nature. At the same time there have been cases in which it has appeared, notwithstanding the shortness of the time, there was sufficient evidence to prove that they went there for the purpose of importation; and it was only in consequence of not finding a market, that the cargo was re-shipped, and the court have fairly thought it its duty to hold that the voyage was interrupted. The mere payment of importation was for the purpose of immediate exportation, and that the cargo was carried there for the purpose of evading the consequences of coming from We present the following decision of the colony of the enemy to the country Sir William Scott, as an important docu- of the enemy, that has been held a conti ment. Although it is a case of restora- nued voyage. The case of the Essex, tion yet the new principle of the English | Orne, is an authority upon the subject, Admiralty Courts is fully displayed. The | and which is ab olutely binding upon myargument of the Judge evinces how flexi- self, because it has its foundation upon ble, for their own purposes, the English Levery just principle of law--- and therefore can make the law of Nations. Though a lit must be understood, at least in the prerule may be laid down this year and act- sent holding of these courts upon the ed upon, and neutral property to the a- subject, that is the doctrine which they mount of millions be affoat in full faith of think themselves was ranted in applying. its continued co. vet it is by no means cor But the question here is, whether in fact tain, that it will be the rule of adjudicati- in the origin they can supply any ground upon which this sort of reasoning can be between the Coakley-Bay Packet, of St. Sir William Scott had heretosere de- applied. If it was not a shipment from clared himself satisfied, that landing the | the enemy's colony, there is an end of of Previdence, Rhode-Island, on which cargo and paying the importation duties. the case. Now it is admitted, that this bets were depending to the amount of not constituted ample proof of a legal import- | transaction takes place before the com- less than five hundred joes. They started ation, and that a carge so imported, might | mencement of the war, that the exporta- from a stake-hoat, and heat round Buckbe exported .- The Lords of Appeal, have | tion from Manilla was in September, and however, decided otherwise. For this it was not till November that war broke Court it can hardly be expected, that we out between Spain and England. But it should feel the same respect as for the is said, if it was done in contemplation of English Courts of ordinary common law war, it would have the same effect; so it competitor by more than half the disjurisdiction. For unlike these, it is not would, where it appears that such con- tance. The American vessels in the harcomposed of men who hold a permanent templation was at the bottom of the transoffice by an independent tenure, but most- action, where there is evidence from the manned their yards, and gave three cheers. ly of the confidential members of the ex- correspondence, or otherwise, to shew isting administration. These men are that the parties did not act in contemplagenerally of high rank and distinguished tion of the war: In such cases, where talents; but they are members in the Ca- the contemplation of the war was estabbinet of a nation at war, and they carry lished by satisfactory evidence, the court with them from the Cabinet to the Bench, has applied the rule, and that it shall opethe plans and the projects of war.—Judi- rate exactly the same as if actual hostilicial decisions destructive of the rights of ties; but nothing of that sort appears neutrals, are one of their means of distress- here, and the fact being that war did not ing the enemy, and aggrandizing their commence at Manilla till after the vesselhad sailed, it is extremely unlikely that comes, however, binding upon all subor- a prospect of a war with this country of Gibraltar on the 29:11 of October. dinate Courts, and consequently the prin- | should be entertained with any degree of credit to induce the Americans to specuhas been adopted by Sir William Scott, late upon this subject—but supposing it against his own sense of its equity and was an importation from Mahilla to Ampropriety. The lately amounced princi- sterdam at this period, it would be an ple was urged by the Counsel in the fol- importation perfectly legal, and all translowing case, in its utmost latitude; and actions in America may be laid out of the though it was decided that it did not ap- | case. Upon these grounds there being ply, as the cargo in this instance was pur- no dispute about the property, I shall chased in time of profound peace, yet the think myself bound to restore the ship and cargo." I.ONDON, Nov. 15.

The red flag has been discontinued till this time, ever since the famous achievements of the Dutch in the Medway, in the reign of Charles the Second. But the disgrace of that incident has been a thousand times effaced by the naval glories of the present reign, especially by the unparalleled victory of Trafalgar.

We have the pleasure to state the arrival of the Africaine frigate at Cork, with twenty two sail of the Leeward island fleet. The remainder parted in a gale of wind a fortnight since. The Africaine tained whilst going into action, when, as

it. The accused is called on to disprove | reports of a most serious nature; and it, and if he fail in the almost impossible | that advices were received was not denied task of slewing he had not such an inten- at the public offices. It was said that tion, he is condemned. Such doctrine admiral lord Collingwood had a second we hope the wisdom and prudence, if not | and successful action with the enemy. Other accounts say that the Rochefort squadron has been captured. We shall not damp any ardor in such a case; but leave all reasoning out of the question, shall only hope for the results which may prove most happy for the country.

Mr. Pitt, we understand, has signified his-intention of delivering a parliamentary oration in honor of the late lord-Nelson. The letters from Germany by the Hamburg mail, bring the events of the campaign in Germany exactly to the same point with the French official bulletins. They add, however, a variety of details. It is clear that the Austrians and Russians did not find it advisable to defend the Inn, and, therefore, retreated to Wels. The crossing of the Inn by the French is confirmed. Some accounts say, that the French army is 180,000 strong, but we are persuaded that it is an exaggeration by 60,000. The force of the Russians and Austrians is stated at 120,000, Scott, in the British Court of Admi- which is no less an exaggeration.-The pruralty, Doctors' Commons. Thursday, dence of retreat, in the present circumstances, Saptember 12th, 1805, in the case of isunquestionable Bonaparte seems to be fold lowing nearly his former plan of attack. Mu rat with thirty thousand men, forms the left of the French, and follows the left bank of the Danube. Among these are said to be general Baraguay D'Hilliers' dismounted cavalry, amounting to 13,000, which have been mounted on horses taken from the Austrians. Bernadotte and Davoust, form the right wing, along with the Bavarians. They are already upon the Salza.-It appears more and more certain, that Bonaparte intends to attack the combined Austrians & Russians, with almost all his forces; & that he again will try to surmund them. He has accustomed his troops to perform such extraordinary marches, that, notwithstanding the start they have got, he expects to outflank them .--Kutusoff will surely be on his, guard against this, and will commit almost any fault but that by which Mack was destroyed.

A great deal will depend upon the movements of the second Russian army, of which we are sorry to find there are no satisfactory accounts of its near approach. A letter from Warsaw, of the 24th October says, that general

tral port, and saying you have called at Michelson had arrived there to regulate the Argonaut, in a body, offered their march of the two armies that were advancing, one under the command of baron Bennigsen, which was to pass through Silesia, by Breslau, the other under count Buxhoven, through Silesia also, but by the way of Crocow. Thus, it appears that neither of these armies could possibly arrive at Wels, where the head quarters of the confederates are, till the beginning o November at the soonest-Before this day, decisive events must have taken place.

The policy of Prussia, in one view, at the present moment, seems to be to conceal from Bonaparte the determination she has adopted, till every thing is ready to strike the blow .- But if Prussia hesitates long, it may be too late. The last intelligence from Berlin is of the 5th, at which time all we know is, that armies were forming in Westphalia, and that, in conjunction with the electors of Hesse and Lower Saxony, a great army was to be established on the Lower Rhine, particularly in Franconia. The elector of Hesse is fortifying Hanau, and there are many appearances which bespeak precaution duties, if there is clear evidence that the against active war in that quarter. On the other hand, the movements of Prussia may be to preserve a neutrality, which the shock of warand the eagerness of the combatants mi ht vi-

olate, unless it were preserved by force. Before Prussia can take any decisive step, Bonaparte, according to all probability, will have beaten the Austrians. The success of the French in Suabia have, it is supposed, shaken the first resolves of Prussia. Council after council is held. It is reported, that Count Hardenbergh is going to Bonaparte's head quarters on an extraordinary mission. If this beso, it looks as if Prussia were proposed to begin with negociations for a general peace.

NEW YORK, Jan. 8.

COMMUNICATION.

At St. Croix, on the 18th day of December last, a sailing-match took place Croix, and the Yankee Governor Smith, Island and back to the place of starting, which was about twelve miles dead to the windward. The race was worn by the Yankee Governor Smith. who heat her bor hoistad their colours on the occasion, to the winner on her return.

GIBRALTAR, Nov. 2. The American ship Cincinnatus, Wm. Ashil, master, 20 days from Salem, with pepper, for Leghorn, was captured and carried into Gibraliar by H. B. M. brig Childers, about the 5th of October. The Spanish Camp before Gibraltar, was breaking up.

Admiral Louis, with the squadron under his command, went through the Gut

The brig Harriot, Anderson, has arrived at Gibraltar, in 21 days from Malta; a few days before she left the islan.', transports had sailed for Corfu, to bring 17,000 Russians, who were to join Sir James Craig's army; 10,000 were to come on board the Russian squadron; and several horse ships then fitting, were to sail ten days after.

Only three of Lord Nelson's prizes have arrived here, to wit, the Swiftsure, San Liletonzo, and San Juan Nepomuceo of 74 guns.

The Redoubtable was so dreadfully s' attered, that, soon after striking her colors to the Victory, she went to the bottom with most of her crew, so that Nelson's fall was greatly avenged.

The Victory, in this decisive action, had in the whole wirty-four men killed, and seventy-eight wounded. Amongst the former, besides the gallant admirel, where Mr. Scott, his secretary, the captain of marines, and one of the lieutenants of the ship. The loss was chiefly susand her convoy are put under quarantine | the leading ship of the division, she had At a late hour this morning we heard | to sustain the fire of eight of the enemy's ships, for nearly twenty minutes before she returned a gun. She also suffered. considerable loss from the musquetry of the enemy, but so tremendous and welldirected was the fire from the Victory, that every ship on which she got her gun's to bear was silenced in the course of a few broadsides.

The Redoubtable alone had no less than thirty of her guns dismounted, and for a considerable time before she struck, she did not return a single shot.

It was his lordship's intention to have engaged the Bucentaure at first, if he could have distinguished her; but singular as it may appear, no person on board could discover the French admiral's flag to be flying during the whole of that day, though. the Victory was for a considerable time within pistol shot of her, and handled her so severely, as to render her incapable of taking any share in the engagement af-

Three of the French ships in the van, who had no part in the action, and one of which carried a reafadmiral's flag, had the inhumanity and towardice as they weremaking their escape, to fire for a const derable time upor the Santissima Trinidada, and several other of the crippled Spanish prizes, after they had surrenderec' to us, which, from their situation, were incapable either if opposition or flight,; and an immense jumber of the Spaniards were killed and wounded, from this unpreand faithful allies

· We solemply fledge our credit for the truth of this extractinary fact, to which every officer on bard our victorious squadron now in the by can bear witness.---Indeed such was be indignation felt and expressed by the Saniards, at the conduct of the French, tha, which two days after the action, seven of the enemies ships came out of Cadia in hopes of retaking some of the disable prizes, the crew of crifice of national honor.

services to the British officer who had charge of the prize, to man the guns against any of the French ships; and they were actually stationed at the lower deck guns for that purpose, whilst the English seamen manned those of the upper deck.

The English officer on board, returned all the Spanish officers their arms, and placed the most implicit confidence in the honor of the Spani rds, which he had no reason to repent, as though their numbers were so superior as easily to have enabled them to retake the ship, yet they, on every occasion, showed the utmost submission and good conduct, and declared, that if a Spanish ship came along side of them, they would quietly go below, and leave the English to act for themselves.

The British fleet, in this glorious victory, is not supposed to have had twelve hundred men killed and wounded, the loss having chiefly fallen upon a few of the leading ships, and not a single ship on our part missing. The enemy on the contrary, have had twenty ships of the line taken or destroyed, four of which, viz. the Santa Anna, the Santissima Trinidada, the Bucentaure and Algesiras, were flag-ships; whilst seven of their admirals, and upwards of twenty thousand of their seamen and soldiers, have been killed-wounded or taken prisoners, in this memorable victory.

Lord Nelson, before his death, expressed his desire that he should be buried near his late venerable father, unless his country should wish to dispose of his body otherwise.

PHILADEEPHIA, Jan. 9. DINNER

In Honor of Captain STEPHEN DECATUR,

jun and the Navr of the United States. Yesterday, a party of young gentlemen, amounting to about a hundred, gave an 'elegant entertainment to this distinguished officer. The principal guests on this occasion were, Captains Bainbridge, Stewart & Shaw, and the other Officers of the Navy, at present in the city. James Milnor, Esq. presided, and Messrs. Juseph S. Lewis and Thomas Hale, acted as Vice Presidents.

Previous to sitting down to dinner, the President, in behalf-of the company, delivered the following Address:

CAPTAIN DECATUR,

Upon an occasion like the present, we cannot forbear an expression of the feelings excited by your presence among us. The applause of a country has ever been esteemed the most grateful reward of distinguished actions. The expectation of it is the spring of honourable minds, and the best incentive to enterprize and glory. To you, is that applause given; to you, does that applause belong. Upon the shores of a distant land have you recorded the first testimonials of your country's honour. That country welcomes your return to her bosom, she hails you as one of her favorite sons., To the general voice of admiration ours is zealous. ly united. But, with that alone we are not satisfied. We, your immediate sellow citizens, the friends and companions of your recent youth, mingle with the praises of a whole country, feelings that ure more endearing, feelings of the warmest personal attachment, and esteem. Continue the illustrious course you have begun. Our congratulations will ever await on your renown: our fondest wishes will ever be with you, and at each return to your native city, our admiring hearts will open, as they now do, to cherish and receive you.

To which Captain Decatur made the following reply :-- GENTLEMEN,

worthy of the applause of my countrymen, impresses me with the liveliest sense of gratitude. But on the present occasion, when I look round and see myself honored and surrounded by the companions of my earliest youth, my feelings are such as cannot be expressed.

I have only to offer you, whose good opinion is particularly dear to me, my warmest thanks; with my assurances that if an opportunity should again be offered me, I will endeavor to merit, in some degree, the high opinion you have been pleased to express.

The President then addressed the Guests ; To you also, Gentlemen of the Navy, who have at this time honored us with your presence, we owe the homage of our admiration and esteem. Much has our

country profited from your past services; greatly have your former actions encouraged her to rely on your future exertions. We rejoice in the opportunity of saluting f you as our friends, and are proud of you as our countrymen.

TOASTS.

The President of the United States. The memory of General Washington. The Navy of the United States: Its valor burns for employment.

National Gratitude.†

The memories of Caldwell, Decatur, Somers and Dorsey, four sons of Philadelcedented and blody deed of their good phia: The ocean their grave, the hearts of their countrymen their monument, same their epitaph.

General Eston: The man who, by a new process of cultivation, made the laurel sourish in the Desert of Lybia.

The Army of the United States. The Land we live in :-- Wisdom to its Council, nerve to its arm.

Our relations with foreign Powers: The award in preserence to the least sa-

The Mediterraneau Sears The thance of American, as well-as of Carthagenian

and Roman glory. Tripoli: If Punic faith should again be exemplified, let Cato's maxim be.

changed to " Delenda est Tripoli," The violation of our Flag: Il it is never to be redressed, let us learn the Spartan Penyer, "God endue us with the

fortitude to support injustice." The Ocean: The highway of nations: The principles of eternal justice are not able to resist the confederacy of power and of wrong.

Commodore Preble, who so well directed the enterprise and valor of his compatriots infarms.

Nissen, Danish Consul at Tripoli :---The benefactor of our countrymen in

The American Fair: To the desenders of their country they will never be

By the President,

When cafit. S. D. catur retired, Our heroic fellow citizen and guest.

By capt. S. Decatur, jun .- Our native city, the scene of our earliest happiness, may her sons ever emulate the virtues of their ancestors.

When eafit. Painbridge retired,

Captein Bainbridge.

By cafet. Bainbridge-Union of Friends ship, union of interest, and union of particleism! May this union continue to be the basis of our political frabric.

When cufit. Stewart retired, Captain Stewart.

When capt. Shaw retired,

Captain Shaw. By capt. Shaw-The Commerce and Agriculture of the United States-May

the energy of one support the other. When cafet. S. Decamer, sen. retired, Capt. Stephen Decatur, sen .- The gallant father of a gallant son.

By capt. S. Decaiur, s.n .- Our sonsure. the property of their country.

By Mr. Bines-Rocks & SHOALS :--" Tis not in mortals to command success "But some do mors -- deserve it"

Hu Mr. S. F. Bradford-Infrepidity and perseverance-May they ever be the characteristics of our country. When Mr. Milnor retired,

Our Worthy President. The following SONG, written for the occasion by a Gentleman of this city was

sung by Mr. Robbins, of the Theatre. Allur'd by the wealth which Columbia possoss'd; Mistaking the smiles which her countenance

The plundering Turk did on tribute insist, And swore that mere merchants would never resist-

Our Genius, indignant with outrage so base, Determin'd to punish the treacherous race ? Her orders are issued—her soms fly to arms.
And Tripoli's tyrant is shook with alarms. His hopes are reviv'd when, thrown on his cosat,

Brave Buinbridge, and all his companions, are But short is the hope-for/Decatur appears-His prize wrapt in blazes, rekindles his fears.

The gun-hoats are mann'd, and advance to the

Decatur, still leading, the tyrant appals: Tho' four times our number, yet nought can The valour impelling our brave little band. Touch the softest notes of anguish-

Grout, shed thy purest tear : TRIUMPH, droop thy head, and languisti, O'er the Hero's early bier. See Decatur, nobly daring-See him seize the trembling prize :

Treach'ry strikes him-nothing fearing-And the gallant victor tiles! Somers, Caldwell-chains isdalning-Wrapt in fire, ascend the sky! Grief oppresses, past complaining, When our heroes thus must die !

The carnage is past, but our honors remain, That my exertions should be thought | Pure, bright and exalted, untooch'd by a stain : The heroes return'd, with delight we receive, And those that are gone, shall ingratitude live

> Commodore Preble, who arrived in town on Saturday last from Washington City was immediately invited to attend the entertainment; but his engagements not permitting, he delivered to the Committee the following Note: GENTLEMEN,

I regret that an engagement to leave this city to-morrow morning, deprives me of the honor of accepting your, obliging invitation to a dinner to be given in honor of Captain Stephen Decatur, jun. and the Navy of the United States, on Tuesday next; at the same time (as an officer of that nary) I beg leave to express the high sense of obligation I feel for the honor conferred on a brother officer of distinguished merit, as well as on the nary generally, by this public mark of the approbation of the citizens of Philadelphia.

Respectfully, Gentlemen, Your obedient servant, EDWARD PREBLE. Hardy's Hotel, Saturday, Jan. 4, 1806. Mess. Robert Bines, Committee ROBERT BRIDGES, SAML: RELF, J arrangement

I have the honor to be, most

· On this Toast being given, a splendid Transparency was disclosed in the southern extremity of the room. It exhibited in one view the frigate Philadelphia wrapt in flames, and the ketch Intrepid, (by which this gallant exploit was atchieved) bearing off from the scene of glory. On the opposite side of the painting was seen, Gumboat No. I. with her Tripolitan prize in tow, coming out of the harbour of Trie. poli, with a distant view of the Castle and Por. diffications of the town. In the front ground appeared, a full length likeness of Capt. Decatur. The design and execution of this patriotic effu. sion, reflect honor on the taste and sensibility of Mr. Holiand. Its effect on the company was delightful

Here another transparency was exhibited in the northern end of the room. It consisted