American,

Commercial Daily Advertise

PRINTED & PURLISHED BY W. PECHIN, 31, South Gay-Street. [Printer of the Laws of the Union.]

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

SATURDAY, FEBRUARY 14, 1807.

INTERESTING

To Merchants and Underwriters. FROM THE LONDON STAR -Nov. 25. COURT OF KING's BENCH. BARING V. DAY.

Mr. Easte stated, that this was an action of Trover, under the following circumstances: In the month of May, 1805, the ship John and William, sailed from Surinam for England, and was stranded on Saley Beach, near Limington. Two pilots went on board, and by their advice and direction, application was made to the defendant, Mr. Day, at Cowes in the Isle of Wight, for an anchor and cable. These articles were procured, but too late to be of any service, for by the time they got to the ship her head was stove in. A second application was then made to the defendaut for all the help and assistance necessary for saving the cargo, and accordingly he sent boats and the customhouse officers also attended. The cargo was unshipped into the defendant's boats, and carried on shore under the care and superintendance of the officers by the mate, the other by the revenue officers. Somedays were spent in unfendant lept the mate 300l. to pay the small. seamen's wages, which sum he afterwards returned to the defendant, and therefore formed no part of the present claim for salvage before the sherili, ma- case that might in future occur, an imgistrate or mayor, nearest the sea, or mediate resort might be had to a promost contiguous to the place where a per authority to save the ship or its carvessel might be so stranded. The de- go from the rapacity of the plundering I damaged several houses in that own. It sendant claimed 1816i, 16s. 2d. as sal- country people. He, therefore, thought vage, which, of course was to be paid in | the smaller sum for salvage should be all proportions amongst those who had that ought to be allowed at present. been active in preserving from destrucrefused to comply and appealed to to determine the quantum of salvage.

they only allowed the sum of 9141. 19s. demanded, and so generally paid. 4d. A copy of this adjudication, and award was served upon the defendant, in order that the plaintiff might obtain the cargo, and the above sum was tendered to him as the sal age, but he refused to take it or deliver up the cargo. which he kept under the act of parliament. The question, therefore, for the determination of court was, whether the . adjudication & award by the magistrates was conclusive against the detendant or not? Mr. Easte proceeded to argue, that it was from the statute of the 12th of queen Anne, chapt. 13, which stated that great complaints were made of ships, foreign as weil as British, stranded, upon the coast, being barbarously plundered by her majesty's subjects, and that even if any part of the cargo was saved, it was generally swallowed up by the salvors. Now Mr. E. contended, that mischief was as likely to be apprehended from persons called in to assist as from those who voluntarily offered their services. The constables and revenue of. [sed.] ficers lent their aid, and there was no penalty on them if they did not, for the legislature had the emolument resulting from the salvage in contemplation for them, when suffered them to interfere—but a penalty was imposed on the officers of the queen's ships, riding at anchor, should they not take every means to prevent the ship going ashore. Thus, in the one care, he contended the law was directory, while in the other it was compulsory. The next clause in the act was more liberal, for it enacted that all others who should act, or be emplayed in saving the vessel or cargo should within 30 days thereafter, be paid a reasonable sum for their trouble; and that, in the mean time, the ship and cargo should remain in the custody of the custom-house officers, until such compensation should be paid. The law thus clearly said, that all persons acting, whether employed or not, should be entitled to a reasonable reward for so doing. The reason why a reasonable reward was so minutely stated in the act, he took to be the frequent exorbitant demand-of-salvore for salvage; the legislature had thus, in his opinion, by mentioning the words reasonable reward, been anxious, as far as it could, to prevent any undue advantage being taken over

the vessels in distress. Lord Ellenborough asked Mr. Easte whether he meant to say the court could extend the act of parliament to this case, and where the fresh application for assist. ance had not been made to the custom house officers. His lordship rather thought the plaintiffs in the beginining lad not brought themselves within the

act, and the court must regret that they had not done so.

Mr. Easte replied, that it was a well known fact, that vessels in distress were exposed to most extravagant demands for aid and assistance. Supposing n application, as was the case in the present instance, had been made at first to the custom house officers, he should chandize has fallen into the hands of the wish to know what foreign vessels, in the same situation, would have done; or to whom they would have first applied? They knew nothing of custom house ofof the assistance of the first pilots who might have bearded them-

Mr. Gazelee, on behalf of the desendant, argued that the case, in regard to him, did not come within the act.

Lord Ellenborough said, whatever might be the determination of the court, the country at large was highly obliged to the plaintiff for bringing the question forward; as if the act of parliament | ratified. should be thought defective, it must be found to be extremely so. The point at issue really required to be definitively settled. Many cases of salvage which had come before him professionally, when at the bar, and since he had been a judge, he could not contemplate with any satisfaction, the charges for salvage were so very exoribitant.

Mr. Gazelee proceeded at some length, contending, that there was a considerable difference between the act of the 12th of Anne, and the 26th of George II. By that statute, he insisted, that it was clear, that if no application was made to the sustom-house officers in a case of of the revenue, where they were put un- | a stranded ship, than the nearest masis. der locks and keys, one key being kept | trate had a right to interfere, and to award such salvage as might be claimed, or appear proper to them. The award loading the ship, during which the de- by the magistrates was a great deal too

Mr. Easte briefly replied.

Lord Ellenborough observed, that this was a case of great exorbitancy in salvage. dispute. The law in a case of this There ought to be a clear and complekind, allowed the salvois to make a hensive statute enacted, wher, in every

Mr. Justice Lawrence, Mr. Justice tion, but with this demand the plaintiff Grose, and Mr. Justice Le Blanc, were of the same opinion; the former learnthe magistrates nearest to the spot, ed judge making this forcible remark, in favor of the wish thrown out by lord The magistrates accordingly met on | Ellenborough-that it was of little in. the 2d of January last, but as the defen- portance to the owners of goods, whedant did n t attend they adjourned till ther they were taken from them by plun- Commercial Daily Advertiser. another day, when they made an adjudi- | der, or the occurrence of such an accident cation and award, by which, instead of | -or the value taken out of their pockets 1816!. 16s. 2d. the salvage demanded. by the large salvage now so universally

FOREIGN AFFAIRS.

Previous to the arrival of the Emeline, Stowell, at New-York, we had laid before the public the French official Bulletins up to the thirty-firit. On Thursday last we published the thirty-ninth, fortieth and forty-second; and we now proceed with the others, which the eathern papers inform us have been received up to the

Thirty-Second Bulletin.

BEALIN, Nov. 16. The corps of Marshal Davouit is on i's march from Posen towards Warraw, wnither the Grand Duke of Berg is repairing with the other part of the reserve of cavalry, comming of the divitions of dragoons of Generale Beaumont, Klein, and Baker, the division of curiaffiers of Gen Nansouty and the light cavalry of Gen. Millhaud.

Our troops occupy the fort of Lenzye, half way between Posen and Warsaw.

[The 33d bulletin contains the negociation of an armittice, which we published on Thursday at length. Several accounts concur in supposing that the armistice had not been rati-

Thirty-fourth Bulletin.

BERLIN, Nov. 22. No intelligence has yet been received that the suspension of arms, signed on the 17th, has been ratified by the king of Prussia, and that the exchange of ratifications has taken place. In the mean time hostilities continue to go on, as they are not to cease till the period of ex-

General Savary, whom the Emperor appointed to direct the siege of Hameln, had a conference on the 20th with General Lecoq, and the Pruffian Ceneral, and made him sign a capitulation. 9000 prisoners, amongst whom are fix Generals, Magazines, sufficient to subsift ten thousand reen for six months, flores of all kinds. a company of horse articlery, and 300 cavalry, are in our power.

Savary set off immediately for Nicuburg, in order to make that fortress capituiate, in which it is thought there is a garrison of from

A Pressan battalion of 8000 men, in garrison at Czentoschau, at the extremity of Polish Prussa, capitulated on the 18th before 150 light horse of the 2d regiment, united to 300 Polish confederates, who appeared before the fortrels. The garrison are prisoners of war; confiderable magazines have been found in it.

BERLIN, NOV. 30. It is said all the continental powers, are to be called on to declare openly for or against France or England; and all intercourse with England is to be inter-

dicted until a general peace. The Emperor this day reviewed the troops I -re, and commended their exercise with the bayonet; remarking that they would heat the Russians at their favorite weapon, for Suwarrow had said that the ball was foolish but the bayonet

Was wise !.. BANBERG, NOV. 23. We have news of the surrender of Breeless, capital of Sileeia, to the French.

There remain now but Austrians on the frontiers of Bohemia. They have mostly been distributed in their old quar-Prs. -- Many Polish officers in the Austrian scrvice have demanded their dismission.

VIENNA, NOV. 15-We estimate that more than one hun. dred milions of francs of British mer-French.

HAMBURG, NOV. 16.

A commission has been appointed to proceed to Berlin, to endeavour to obtain ficers, in case of such emergency, and | of the French Emperor, every favor to would of course, have availed themselves | our commerce which may be compatible with his great plans. A contribution of five million and a half of francs has been exacted in the country of Brunswick. 49000 dolls. has been paid for the ran' som of the Swedish vessels at Rostock.

PARIS, DEC. 2. Some letters announce that the Russian army advances towards the Vistula. If this is true, the armistice will not be

There has been communicated to uor Senate an imperial decree against the English; and a report on the same subject by M. FALLETRAND. The report announces the declaration of the Emperor that he will not quit Berlin and Warsaw, until the Russians shall renounce their unjust pretensions upon Walinchia and Moldavia.

All the letters from the maritime towns of the North announce that the French are actively pursuing the war | gred to. which they have just declared against the English trade.

The advanced guard of Marshal Da. voust is at 11 a: saw. The town of Thorn is occupied by a division of Marshal Lannes We have as yet no positive in. telligence of the entrance of the French into Dantzick nor into the fortress of wife. Graudentz.

Letters from Leghorn, state that several arrests have taken place there. Some persons have been exiled; among others, the brother of the Sardinian Consul, for having, as it is said, kept up a correspondence in Sicily.

MADRID, November 19. Several shocks of an earth juake Lave lately een felt at Grenad i, which have is also said that a whole village has been swallow dup, and that it is replaced by a river---- This is all that the first al in has permitted our corre-pondents to say. further details are impatiently waited

American,

SATURDAY, FEBRUARY 14, 1807.

A New-York paper favs that Genera! John Smith, present Senator in Congress trom that state, has been re-elested to ferve for another term in that body from the 4th of March next. He had 82 votes. John Jay (the federal candidate) had 14.

LONGEVITY. - Bi d, on the 15th of November lait, in Laurens Distria, South Carolina, Mrs. Ann Newly, aged 112 years. Until within a few min hs of her death the was hale and hearry—and Jeft a husband (only 37 years of age) to lament her death!

LUDICROUS! Extract of a letter from Washington to the Editor

of the United States Gazette, dated Thursday, February 5.

At Baltimore it is reported that Mr. Alexander from New Orleans is in this city, here it is reported that he is at Baltimore. It is well understood, however, that the place of his confinement is a seerer, which the administration with their satellites and God only know. This profound secrecy is observed to prevent the interference of the supreme court now in session, by an habeas corpus.

[It is scarcely necessary to mention that the the punishment of death substituted. writer of the foregoing extract is a milerable bungler at fabricating a tale of defamation .-By an article in Wednesslay's paper it will be feen that, Alexander has been discharged.]

The legislature of Maryland, at its last session, paffed a law providing, that no free negro or mulatto shall emigrate to, or settle in his slate, after the passage of this act, under the penalty of ten dollars for every week any, fuch perion shall remain in the state after the expiration of two weeks, and any free negro or mulatto, who shall refuse or neglect to pay the fine imposed by this act, or who shall not give such security to any justice of the peace of the county in which they shall be found, for his departure from this state within two weeks, as the judges of the county court, or the faid justices shall approve of, shall be committed to the jail of the county, and may be fold therefrom by the theriff of the county, after sen days notice of such sale, for a term sufficient to pay the fines herein imposed, with the cost.

The legislature of Kentucky, at its last session, having taken into confideration the claim which the corporations of Natchez and New-Oreans have fet up to a right to tax flat-bottomed boats and other water crafts conveying the produce of the western country to foreign markets, palsed a resolution, infirmating the Senators and Representatives of that slate in Congress to use their utmost exertions to procure re-ress of such

On Wednesday evening, the 4th inft. a fire broke out in the house of Mr. Shields, in the neighborhood of the barracks, Richmond. Mr. M'Credie, among other citizens, was running hastily towards the place for the purpose of al. fitting in extinguilbing the flames. In passing the barracks, he was three times halled by the centinel on guard's but in consequence of his eagerness to get to the fire did not answer ; and was pulhing on directly towards the centinel 14 th again. his way to Mr. Shields', with his buckets in his. hands, when the sentinel fire! his mulcet and thor him dead on the spot. The coroner's inquest has found it wilful murder.

The Secretary of the Treather has reported to Congress, that the coast between Cape Hat-

terms and Cape Fear hugh been Turveyed by continuitioners appointed for that purpote, who have made a chart, more correct than any extant, particularly of the thoals off Cape Hatteras, Cape Look. Out, and Cape Fear, as well as of the foundings between their shoals and the Gu'ph Stream.

Land the attention of the second of the seco

That from the nature of those shoals, which are afcertained to confift of banks of loofe and shisting san I, it does not appear practicable to erect a light-house on either of them; and that although the commissioners think that buoys fixed on some parts, and particularly near the channel, which runs through the shoal called the " Frying Pan," would be uleful, it is doubtful whether they could in that situation be moored in a permanent manner.

A man by the name of John Foster, an itinerant preacher, lately commenced lectures in N. York on different chapters of the bible, which he treated in an irreverent manner, for which he has been presented as a muisance by the grand jury, to the court of quarter sections, now sitting in that city.

It is reported that the Dey of Algiers has declared war against France! I

CONGRESS.

In the House of Representatives of the United States, on Friday the oth inflant, a message was received from the president of the United States, stating that the government of France confilered Mr de Beaumarchais' claim against the U. S. just and legal, and had instructed its minister here to make representations on the subject to the government of this country, and that his memoir was laid before Congrets as the only competent authority to a final decision on the

subjed. Reserred to the committee of claims. On Saturday, the 7th ititlant, Mr. Lattimore offered the following ref. a.ion, which was a-

Resolved. That the Committee of Commerce & Manusactures be instructed to esquire into the expediency of establishing and maintaining an institution at Natchez, for the relief of tick and disabled beatmen, out of such funds as may be conflicuted by a tax upon persons employed in the navigation of the Missippi, and that said committee have leave to report by bill or other-

Mr. Thomas from the committee to whom was referred the refolution agreed to by the House on the subject of sortilications, presented a bill for fortifying the ports and harbors of the U. S. which was referred to a committee of the while on Monday.

Mr. Lyon offered the following resolution, which was agreed to :

Resolved, That the committee of Ways and Means be instructed to inquire into the expediency of retaining a gr ater portion of the duties on articles, the growth or manufacture of foreign countries, which may be re-exported. Nir. Broom offered the following refelution:

Resolved, That it is expedient to make further providen by law for fecuring the privilege of the writ of Habeas Corpus to persons in cultody, under or by calar of the authority of the United States, which was ordered to lie on the

Mr. Varnum offered the following resolution: Resolved. That it is expedient, in addition to the tuns otherwise appropriated to fortifying the ports and harbors of the U. States, to appropriate a turn not exceeding one hundred thousand dollars to enable the prefident of the U. S. to cause the port add harbor of N. York to he better fortified and desended.

After a thore debare, this resolution was ordered to lie on the table.

On Mon lay, the 9th, Mr. Early, from the committee of commerce and manufactures, prefented a bill authoriting veilels from places beyond the Cape of Good Hope to enter at Plymouth; and establishing a port of delivery at Augusta, in the dillrict of Muine, which was referred to a committee of the whole on Wednesday.

Mr. Holmes, from the committee of claims, made an unfavorable report on the petition of Richard Mellen, in which the House concurred. Mr. Stanton presented a bill for the relief of Daniel S. Dexter, which was referred to a committee of the whole to-morrow.

Mr. Lattimore presented a memorial from the general juryrs in the country of Washington and territory of Missimppi, praying for an exemption from taxes during the continuance of the vexations experienced from the obstructed navigation of the Mobile, for donations of land in cates of pre-emption rights, and for aid in the establishment of ichools; which was referred to the committee on public lands.

The House resolved itself into a committee of the whole-Mr. Varnum in the chair - on the bill prohibiting the importation of flaves inte the United States.

The provition punishing the importation of flives with imprisonment, was stricken out, and

I he committee having passed on to the seventh section, it was read as sollows:

" That all fuch negroes, mulattoes, or perfons of color, as may be forfeited by virtue of this act, shall, at the expence of the United States, be conveyed to such place or places in the United States, as the president thereof may direct, and there be indentured as apprentices or servants, or otherwise employed as we president may judge most beneficial for them, and most safe for the United States: Provided, That no such negro, mulatto, or person of color, shall be indentured or emplo,ed as aforesaid, except in some state or territory in which slavery is not permitted, or in rebich provision is now made for a gradual abolition of elavery; nor in any state, in which such persons are not permitted by law to be indentured or employed as aforesaid; and if any such negro, mulatto, or person of color, when so indentured or employed, shall be under the age of years, the term of such indenture or employment shall not exceed beyond the age of twenty-one years; and if years, the term shall not

yeure." Mr. Early moved to firike out all the words of the section in Italics, and to insert in lieu there of the following words:

Shall be by the marshal of the diffrict or territory having cullody of the same delivered over to such officer of the flace or territorial government as may by any law of the flate or territory be directed to receive them, to be disposed of as by any such law may be provided.

This motion was warmly, advocated by Mestra Early, Marion, J. Clay, Holland, D. R. Williams, and Allion; and strennoully opposed by Meffrs. Smilie, Sloan, Bedinger, and Goldf-

Mr. D. R. Williams, after the usual hour of adjournment, moved that the committee

This motion was supported by Mestrs. Early and Macon, and agreed to without a divition; when the committee rose and obtained leave to

On Tuesday, the 10th, a message was received from the President, Surnilbing the information requested by the House on the subject of gun-

The President in his message to the House of Repretegiatives on the rech loftant, relative to gun-boats, expressed a facerable opision off the mode of defence by them, and quitte the example of other nations. Hist calculations; are, that there would be wanted for the defined

The Missippi and thene gliboring waters 40 For Savannah, Churleston, ke For the Chelaprake and its waters For Delaware Bay For New-York

For Boston

and lie on the table.

Of these the President observes, 73 are already built or building; of the remaining 127, one half, he thinks, could be buit during

the present year, and the other half in the courie of the enfuing year. The message was accompanied by letters from generals Gates and Wilkinson, and communioral Barron, recommending the "gun-book foil-mi of defence." They were ordered to be printed!

New-Orleans, F meary 8. Yesterday the battalion of Orlea is volunteers? were paraded in front of the Military Barracks, i where General Wilkinson attended, and took ! the oath of allegiance, which was afterwards administered to the officers and privates. The General aduressed the officers at considerable length, and declared the whole battarion to be

under military law. The 1st, 2d, and part of the 4th regiments of militia were at the same time reviewed by the Governor, who also took the like nath, and administered it to the officers of thefe re-

Yeslerday about 3 o'clock the United States schooner Revenge, Lieut Read, exchanged a falute with Fort : t. Charles, and failed up the river to join the squadron which is stationed as Point Coupee.

From our Gazette Extra of Tuesday. This day, about I o'clock, the aid de camp of General Wilkinson, read the i lowing in the Coffee-House, and had it potted on the books :-

General Wilkinson regrets that it is not in his power, from a pressure of public interests. which imperiously command his attention, to be at the Coffee-House as he intended this day. He therefore takes this mode of warning the merchants and thip owners to hold their veilels in readiness to haul off into the stream, thould it be found necessary, at the shortest notice. But he begs that this may be confidered merely as a faiutary precaution, not that he believes Col. Burr-is at Natchez, or that he will ever reach this city under his own volition; and he warns the citizens not to relike the rumors in circulation, because the General by a letter from Col. Burr's own hand, written to Hoffor Bollman, is authorised to lay that the Colonel's utmost calculation of force did not exceed 5000 men, and that he would, in gerion, precede the main body with about 2000 men to Natchez, where he intended to halt.

The faithful cirizens may be affured that with moderate exertions only, and the decilive expulsion of traitors, the florm will buril over the heads of its authors, and hurl them headlong to perdition, whilft the inhabitants of this city firall dwell in fecurity.

The French pap is contain the particulars of the last negotiation between Great Brigin and France. They sav it. proceeded favourably when conducted by Mr. Fox.

A meeting has been held at Lancaster, (Penn.) for the purpose of establishing an Insurance Company. Subscriptions for the same are to be opened on the 20th instant, the capital to consist of 100,000 dollars, to be avrided into 4000 shares of 25 duliars each.

The sederalists of Maisachusetts (or rather of Lofton -for Bollon seems to exercise a soit of dista-prial power in the case; have resolved to support Caleb Strong I. r Governor, and Elward H. Robbins, for licutenant-governor.

At an election held on Thursday evening by the stockholders of the Baltimere East India Company, the following gentlemen were elected:

DIRECTORS. ROBERT OLIVER, WILLIAM PATTERSON, MARK PRINGLE.

R. GILMOR, President, J. A. BUCHANAN, V. Pres. After the choice of Directors the Vice President addressed the stockholders, advising a suspension of the operations. of the company fora few days, in consequence of the late European intelligence

We understand that a few shares remain unsubscribed for, and that the subscription paper will remain at the Coffee House until the next meeting of the stockholders.

the rise of insurance, &c.

BANK OF LOUISIANA.

At an election which took place co the 5th January last, for directors of the Bank of Louisiana, the following gettlemen were elected.

Nicholas Girod, Samuel Winter, Pail Lanusse, Michael Fortier, Thomas U,quhart, Jean Batiste Labatut, Francis Iliplessis, Julien Poydras, Francis Livandil Fils, James Carrick. Richard Relf, Jen e, John' M'Donogli, (from Bali-William Donaldson, Josefia Faurie.

Nathaniel F. Williams,

Na. 15, Booly's wharf, LIAS just received per the brig Harriet, LL and sloop Montesume, from Boston, and

110 pieces Ravens Duck, 50 do Russia Sheeting, entitled to tobenture, 100 barrels No. 1 Beef,

20 do Fall Mackerel. 450 boxes Mould Candles, 4, 5, 6 and 810 the pound.

300 boxes Brown Scap, 64 do Lisbon Lemons, 2 tons Shouthing Paper.

Also received per the schooner Sally, Capt. Britiston, from New York, So quarter casks first quality Sherry Winn

30 boxes Spennaceti Caarlies, 3000 lb. Cheese, of a good quality.

February 7