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SATURDAY, AUGUST 15, 1807.

INTERESTING INTELLIGENCE

MERCHANTS & UNDERWRITERS

HIGH COURT OF APPEAL.

LONDON, JUNE 2.

On Thursday, an appeal from the decision of the High Court of Admiralty came on to be heard before a numerous meeting of the lords of the council at their office in Whitehall, of the utmost importance to those concerned in the neutral trade, the laws of nations, and commerce in general. The question principally depended upon the present mode of proceeding in blockading ports. The settling of this question has been looked forward to those concerned in the business for several years past. It arose out of the order of the council for the blockade of the Dutch ports.

The appellant in the cause was Johan Wolff, the master of the Patriot, on behalf of himself, for the ship and cargo on behalf of Danish subjects the owners thereof. The respondents were lieutenant Henry Hawes, commander of his majesty's hired armed lugger Phoenix, the captain and James Hefstine, esq. his majesty's procurator-general.

It appeared on behalf of the appellant's case, that the Patriot was a Danish ship, the property of Lars Barretten, of Drammen, in Norway, which, in the month of July, 1798, was taken at that port with a cargo of fur barks and deals, the property of Norway, the property of Mrs Elizabeth Holster, of Brammen, consigned to be delivered at a market in Holland, and the ship was accordingly proceeding thither, when she was captured on the 10th of August following, by his majesty's hired armed lugger Phoenix, lieutenant Henry Hawes, commander, upon the high seas, about 6 or 7 leagues to the north-west of the Texel, on Friday the 10th of August, about ten at night, because she was bound to Holland, and upon suspicion of her cargo being Dutch property, and she was brought into the port of Yarmouth; that she sailed under Danish neutral colors, and had no other colors on board; that there was not any resistance made at the time the vessel was taken. The captain found that the appellant's [the master of the vessel] papers endorsed by the lieutenant of the Proserpine, occupied in the blockade, and that he was not to enter any port of Holland.

The following is the order of council for the blockade, under which authority the respondent acted:

"The undersigned secretary of state of his Britannic majesty, has received orders to inform count Wedel Jarlsberg, his Danish majesty's envoy extraordinary and minister plenipotentiary, that the king has thought proper, without delay, for the defence of his states and the security of his subjects, to make use of all the means which the superiority of his navy puts in his power, and for that purpose to cause the inlet of the port at the Texel to be strictly blockaded, which shall be maintained and executed in the most exact manner, according to all the customs of war, and in such a manner as has always been done on like occasions.

In conformity whereunto, count Wedel Jarlsberg, is requested that he will be pleased to inform the Danish consuls and merchants who reside in England that the aforementioned port at the Texel is and shall be looked upon and regarded as blockaded, and that from this day's date, no neutral ships shall be at liberty to put in there, on any account, or under any pretext whatever, and that all the measures which the law of nations, and the treaties subsisting between his majesty and the different powers authorize, shall in future be taken and executed, with respect to such ships as are destined to the aforesaid port, or after the publication of these presents, may endeavor to run in there. [Signed] GRENVILLE."

Downing-street, 11th June, 1798.

The appellant, on his voyage, did not alter his course upon the appearance of his majesty's lugger the Phoenix, and his course was at all times, when the weather would permit, directed for Vice, and she was distant from thence about six or seven leagues, and her course was not altered, in any time, to any other port or place, except when she put into Torgoesen, by stress of weather. She was boarded on the ninth of August, by an officer belonging to his majesty's ship the Proserpine, who warned the captain and told him he must not go into any port in Holland, on account of their being blockaded.

The officer examined the ship's papers, and found that she was bound generally to some port in Holland, and that the whole of the cargo belonged to Magdalena Elizabeth St. Holster, except 12 dozen barrels, which belonged to Johan Wolff, of Drammen, in Norway, master of the vessel. After the officer had examined the bill of lading, he put the following endorsement upon it:

by his Britannic majesty's ship Proserpine."

After which, on the 11th instant, in the evening, she was stopped, and detained in going into the Fly Passage by the Phoenix lugger.

Several witnesses proved that the Patriot was built at Drammen in the year 1783, and that the cargo was to be sold in Holland, at a market, to the highest bidder, and if an immediate sale could not be procured, it was to be left in the custody of Jacob Thyman Laakman, an agent. The whole was proved to be Danish property.

At the hearing before the Judge of the admiralty, the claim and proofs were read and advocates and proctors on both sides, thereon, by interlocutory decree, rejected the claim for the ship, and the masters private adventure, and pronounced the same to have belonged at the time of capture and seizure thereof, to enemies of the crown of Great Britain, and as such, or otherwise, subject and liable to confiscation, and condemned the same as good and lawful prize, taken by his majesty's hired lugger Phoenix, lieutenant Henry Hawes, commander; and in respect to the cargo, directed a certificate to be exhibited by the captors, as to the time when the blockade of Amsterdam was publicly notified by his majesty's ministers, and reserved the adjudication of the cargo till such certificate should have been exhibited.

On the 22d of February, 1799, the case came before the court again, for a further hearing, when a certificate, that the blockade of the Texel was notified to Jarlsberg, his Danish majesty's minister at the court of Great Britain on the 11th of June, 1798, signed by George Hammond, esq. the under secretary of state. The advocates and proctors on both sides were heard upon the production of the certificate: after which rejected the claim for the cargo, and, by interlocutory decree, pronounced the said cargo to have belonged, at the time of the capture and seizure thereof, to enemies of the crown of Great Britain, and as such, or otherwise, subject and liable to confiscation; and condemned the same as good and lawful prize, taken by his majesty's hired armed cutter the Phoenix, Henry Hawes, commander.

From this decree the appellants appealed.

Sir John Nichols, the king's advocate, was heard by their lordships for near two hours, in support of the decree. He argued in favor of the notification of the blockade, and that the bill of lading merely stated that the Patriot was bound generally to Holland, without mentioning any particular port, and that the cargo being eventually consigned to Jacob Thyman Laakman, without stating his residence was proof of the commander being informed of the blockade: he therefore prayed their lordships to confirm the decree of the court of Chancery.

Dr. Lawrence was heard for upwards of two hours for the appellants. The learned doctor commenced with stating the very great importance of the question which their lordships were called upon that day to decide, which had been looked forward to by foreign ministers, and the mercantile world, for four years, for a full board of the privy council to decide, as to this day it remained undefined what a blockade meant: it was therefore, an entire new question. He stated, that blockades had originated from the military system of warfare, in besieging towns: but, in a military siege, an enemy knew the force they had to contend with; but in modern blockades of ports the commander of a lugger boards and attacks a poor neutral, tells him the port to which he is bound is blockaded, and he must not enter it. The poor foreigner probably hears it, for the first time and, after all does not understand the language sufficiently to be aware of the consequence.

The blockade of the Texel was certainly too general a term for any man to understand. It never could have been the intention of government to have blockaded every port in the Zuyder sea. Foreign courts had not sufficient notice of a blockade before they could bind their subjects. It had to go as far as Copenhagen, Constantinople, &c. To constitute a blockade, it is necessary that the place be invested with a sufficient number of vessels that are stationed to prevent any communication with the port blockaded, and he contended that one vessel was not sufficient to constitute a blockade. He argued that there was no right in this or any other country to order a blockade, but for the purpose of annoying an enemy in warfare, and not cases of commerce, and to interfere in the trade of neutrals except for their own safety. He argued at considerable length the great hardships of neutrals, and if there was not a free passage for them, theirs was a strong case for compassion. To induce the penalties of the breach of blockade, then existing, and of the actual or presumptive knowledge of the blockade by the party charged with violating it; and the learned doctor contended that there was no proof in this case. Officers and others, employed to carry a blockade into effect, cannot, at their own pleasure, and for their own profit, vary and extend the operation which has been notified by the government from which they derive all their authority. The notification of a block-

ade having the effect of a penal law, ought to be strictly construed in favor of those upon whose property a disobedience or neglect of it, even by their agents, is so heavily to fall; and the public notice given by his majesty's government to the Danish minister, did not either in words or even in any fair interpretation to be collected from the motives here assigned for the existence of the blockade, contain any prohibition of entrance by the Vlie Passage. His majesty's government, after the blockade of the Texel was declared, continued to give licences to neutral ships, to go from this country through the Vlie Passage, and 52 licenses were granted. A public notice does not carry with it conclusive proof, however it may afford some presumption of an actual blockade; and from the evidence in this cause it appears that no actual blockade of the Vlie Passage then existed.

The case occupied the attention of their lordships from ten o'clock to near four, when the appellants having finished, their lordships consulted for a few minutes, and deferred their decision upon the question to a future day.

N. B. The decision of this important question was considered so great, that the late ministers, and all the members of the privy council were summoned to attend. The following were present—Earl Camden, the president of the council, the lord chamberlain, the master of the rolls, the duke of Montrose, viscount Castlereagh and two others. The American ambassadors attended, and paid very great attention to the whole of the proceeding.

June 3.

Yesterday morning the court met again, to proceed further in this important cause. There were present—the lord chancellor, the duke of Montrose, earl Camden, Bathurst and Clauvery, lords Hawkesbury and Mulgrave, and the master of the rolls.

Sir John Nicolls, the king's advocate, was heard at considerable length for the respondent in reply to Dr. Lawrence for the appellants.

The learned gentleman contended that every thing that had been done by the respondents was agreeable to the law of nations. He agreed with his learned friend in some points, viz. that it was necessary to ascertain that there was a blockade—and also to ascertain what constituted a blockade—but he denied that it was necessary to have such a number of ships to blockade a port, as in the case of a besieged town. He observed, that it had been decided in that court, in the case of the Columbia, that a ship quitting her port, and bound for a blockaded port, made her liable to confiscation. He contended that it was not necessary that any number of ships should be fixed upon to constitute a blockade, but that the number shall in all cases depend upon the times and circumstances. In the blockade, in this case, there was a large fleet, but it was not necessary that they should be all together; they were distributed in various parts. In the case of admiral Jervis and general Gray's proclamation for blockading the West India Islands, that was not held good because it was not accompanied by an act. The government did not allow of such a blockade, without using proper means to enforce it. The judge of the admiralty had very leniently settled it, that a cargo was not liable to confiscation—when the master of the vessel was a mere carrier. But that was not the present case—the cargo was consigned to the master, and he contended that the notification had been issued time enough for him to have known it before he had sailed from his own port. He therefore prayed their lordships' affirmation.

The court was then cleared, and their lordships deliberated for upwards of an hour. On the re-admission of strangers, the lord chancellor took a general view of all the circumstances of the case, and laid great stress upon the master having unlimited power to sell the cargo. His lordship read a translation from the French of the copy of the notice of the blockade, sent by lord Grenville, then secretary of state for foreign affairs, to the Danish and all the foreign ministers. He then took notice of the vessel being boarded off the Fly island by the Proserpine, and of the notice of the blockade being indorsed on her papers, &c. This his lordship considered the best possible evidence. His lordship said, the Board had taken into consideration the questions and points stated by the counsel on both sides, and were of opinion, that a blockade did exist at the time in question; that the notification was duly given, and properly acted upon—that the notification was properly given to the vessel in question, and that she was properly warned of it—that the detention of the ship was fully justified; and that the cargo not being entrusted to the master, merely as a carrier, was properly confiscated.

The Register of the admiralty then generally pronounced their lordships' affirmation. This cause excited so much interest in Doctors' Commons, that the Court was crowded with junior proctors, most of whom took notes.

A great number of causes of a similar nature, which have been increasing several years past, are in some degree settled by this decision.

BERLIN, June 2.

Yesterday about noon his excellency general Clark, Governor general of Berlin, &c. &c. &c.

from his majesty the emperor dispatches dated June 3, containing certain advices that the important fortress of Niesse had capitulated.

Extract of a letter from Ohlau, in Silesia, June 2.

Yesterday was rendered remarkable by the conquest of Niesse. The city and fortress surrendered about noon. The garrison are prisoners of war, the officers released on their parole; for the conquest of this place we have to thank gen. Vandamme, and the Wurtemberg troops, who distinguished themselves under his command.

THORN, May 31.

The fortrefs of Graudentz will now be closely blockaded, and its surrender, it is probable, will soon follow.

POSEN, June 2.

Yesterday several hundreds of Prussian and Russian prisoners passed thro' this city; some English prisoners were likewise brought here on the 30th May; they consisted of the crew of the English frigate taken by boarding in the harbor of Dantzic on the 19th ult.

CONSTANTINOPIE, May 11.

The Anglo-Russian squadron having been reinforced at Tenedos, the Capt. Pacha thought it advisable to add to his own three more ships of the line and two corvettes. He has received orders, we are assured, to let fall and attack the enemy to free the city from the blockade by which the capital suffers equally on the side of the Black Sea, and on that of the Mediterranean.

The Grand Vizier has left Adrianople, and has begun his march, it is said, for Kudluck, where he will pass the Danube.

EXTRACTS FROM DUTCH PAPERS.

The French and Dutch sailors who were conveyed in waggons from Breil, Boulogne, and Holland, had to the number of 2000, arrived at Elbing the head quarters of Napoleon's marine guard, and where several vessels have been hired out to feed and the operations of the army against Pillau &c. The first division of this militia sailed on the fifth into the Frische Hafl.

The French have possessed themselves of the whole of the Nehung, and have thrown up works opposite Pillau on the approach of the enemy. Some English vessels have been ordered off Pillau; two cutters of light draught had entered the Hafl, and were anchored off Balga, in three battalions.

The Swedish frigate Jaramas, of 48 guns, is at Pillau, and a Russian squadron was daily expected there from Revel with a body of troops on board.

Bonaparte has lent the greater part of the troops employed in the siege of Dantzic to strengthen his left wing, where every thing indicates that the first attack is to be made. The Polish and Bavarian troops had arrived at Tieg-nitz and Elbing.

In consequence of the naval equipments making by the Dutch Lubek, Rolloe, and Weimar, the king of Sweden has declared both places in a state of rigorous blockade, and will not permit even neutral vessels to leave them. The Lubeker sent a deputation to the king, at Stralsund, but without effect.

A cartel for the exchange of prisoners between Sweden and France, has been settled, Baron Lawart and Fay were the agents employed on the occasion.—The former has returned to Stralsund.

The division of Molitor has arrived in Mecklenburgh and Pomerania, to replace the Dutch troops.

An English ship of war has arrived at Stralsund with arms and ammunition.

A body of French seamen have been marched from Breil to assault on board the Turkish fleet.

General Marmont at the date of the last accounts from Danantia, had assembled an army of 14,000 men to invest Carraro.

General Kalkreuth arrived at Konigsberg on the 30th ult. The king of Prussia returned thither some days after.

A corps of the French Army, on the surrender of Dantzic advanced towards Colberg, to watch the active and enterprising garrison of that place.

The city of Hamburg was wholly relieved of its Dutch garrison on the 12th. The Dutch commandant de place, the French culom-house officer, and sailors, and 30 or 40 gen d'arms, only remained.

The prince of Saxe Cobourg has been restored to his dominions. The prince Adolphus of Mecklenburgh Schwerin is dangerously ill at Rome.

LONDON, June 23.

The following is handed about in the political circles, as the substance of the amendment to be proposed by the members in opposition to the address to the king, when moved for on Friday—

"That his majesty's faithful commons eagerly seize this occasion of approaching the person of their beloved sovereign and of expressing their uniform loyalty, and respectful affection, with which the blessings of his Majesty's reign cannot fail to inspire a British parliament: That his Majesty's faithful commons are well assured of his majesty's constant support of the establishments of church and state; but at the same time they deem it their duty to his majesty, and to their country, to express their deep regret, that the ostentatious and unnecessary mention of this attachment of his majesty to the fundamental principles of the British constitution, should be employed to cast an unjust suspicion on a large portion of his majesty's most faithful subjects; thus laying a broad foundation for religious diffentions, & branding them with the hateful mark of treason to the constitution, all such may differ from the peculiar policy of an existing administration:—that whilst his majesty's faithful commons, individually and together, rejoice that it has fallen to their lot to express their zealous loyalty to his majesty, they cannot at the same time, withhold the expression of their profound sorrow, that it was deemed necessary to intercept in the first step of its progress, the last imperial parliament of the united kingdom: a parliament which, elected by the free and uninfluenced voice of the people, and mindful of its honorable origin, had entered upon a system of economy and reform, which would at once have alleviated the people of their heavy burthens, and have added new energy to the government.—That, in the midst of this regret for the past, his majesty's faithful commons look with consolatory hope to the future; and recalling to their memory the many blessings of his majesty's long and glorious reign, they have to express their full confidence, that what has begun in toleration may not end in perfection; that religious and civil liberty will be preserved together; and that the spirit of benevolence will not take away what the house of Orange had granted."

The Member of the 12th is filled with different opinions relating to the right of the

Leibnitz, who has been created duke of Dantzic, with territorial possessions, situated in the interior of France, thence annexed. Neither the French nor Dutch papers contain the least information from the armies.

RUTLAND, (Ver.) July 25.

Last Tuesday morning the head quarters of counterfeiting was broken up, and Philander Noble, engraver, Abiathar Boyce, Levi Roberts, and John Kiles, were arrested. The plan was effected by a number of men from this and the neighboring towns, who having suspicion that a gang of counterfeiting gentry had some place of resort in the woods, between this and Woodstock, undertook, with vigilance, to search and break them up. It was found that they entered the woods near the house of Thomas Kimbal, in Plymouth, and after tracing their route a mile and a half, into the wilderness, over rocks and hills, came to the hut, when it was surrounded, and the frightened prisoners secured, with very little opposition. In their little camp were found, plates for the purpose of counterfeiting 4 dollar bills on the Columbia Bank, 10 dollar bills on the New-York State Bank, and one nearly completed of 5 dollars on the Vermont State Bank—about 1,550 dollars in counterfeit bills, some signed, others partly signed, and the residue with the blanks unfilled—was found also, a rolling-press for the purpose of impressing bills, a quantity of paper suitable for the business, four coppers prepared for engraving, with every other instrument and material to carry on the business with ease and dispatch. The persons apprehended were taken before Benjamin Swain and Samuel Damau, Esqrs. and held over, and not being able to procure the bail required, were committed to Woodstock jail, to take their trial before the Supreme Court which will be held in that county, on the third Tuesday of August next. Thomas Kimbal was also arrested by the same persons, and 50 dollars in counterfeit bills being found in his hut, and he having confessed his knowledge where the hut was erected, and that he had supplied the gang with provisions, was committed with the others.

BOSTON, August 8.

A Plymouth correspondent hopes the Secretary of State will direct depositions to be taken, respecting the alleged treatment said to be received by the sch. Betty, arrived at Plymouth. We have noticed with much delight the evolutions, marchings, and attentive deportment of a juvenile military corps, called the Boston Blues.—On Thursday they gave a specimen of skill, discipline and docility in State-Street, which would have reflected no little credit on our most veteranized corps.—They were under the orders of Capt. BAXTER; and in a very neat and appropriate uniform. Impressed at Halifax, in this year, from on board the schr. Messenger, and detained by the British frigate Melampus, the following seamen, natives of Massachusetts, viz. Jeremiah Holmes, John Leach and John Eaton.

LATE FROM ENGLAND.

London dates to the 19th June, (some days later) have been received at New Bedford. The extracts in the New Bedford paper are not interesting.—We find no account of the expedition later than the 7th, when it was expected that the German Legion would sail the next day, in 50 transports, from Ramsgate. On the 17th it was reported in London, on the authority of Dutch letters of the 8th, that a six week armistice, from the first of June, had been agreed upon between the French and Russian armies. Had this been true, it would have reached Paris by the 13th June, our last date; when nothing of the kind was rumored. The last Bulletin date, was May 29, 1807.

NEW-ORLEANS, June 25.

Extract of a letter to the editor, dated BALIZE, June 21.

The schr. Mary, of New-Orleans, from Havana to New York, was taken by the British frigate Diamond, of 50 guns, who put on board a Middletonian and Maller's mate, with five sailors, to carry her into Jamaica—ran short of provisions, and the Prizemaster not being too well acquainted with Naval tactics, Capt. Vignaud brought them to the Balize—the schr. went up this morning. The British officer had the schr. papers and letters, with others of their own sealed in a bag, which I requested to be opened and delivered to me—I returned Capt. V. his papers and advised him to proceed to port as soon as possible."

Sale by Auction.

THIS DAY,

The 15th instant, will be sold, at the corner of Calvert and Bank-streets, at 10 o'clock, The remainder of the STOCK of Thomas Jones, Grocer—also, Stand Casks, Measures, Tea Cans, Scales and Weights, and other Utensils, to carry on said business.

ROBERT LAWSON.

Impressments.

WM. BOGIN and GEORGE SHIELDS, who state that they were born in Baltimore, have been impressed into the British service, and are now detained therein for want of evidences of their citizenship. Their friends or relations are requested to furnish the collector of this port with the necessary proofs, that he may demand their liberation. Custom-House, August 14 d44

A New Pamphlet.

THIS DAY IS PUBLISHED,

And may be purchased at the Bookstore of Messrs. WARNER & HANNA, Price 25 Cents, AN ESSAY Towards an Exposition of the Futility of Thomas Paine's Objections to the Christian Religion. Being a reply to a late Pamphlet written by him, entitled, "Examination of the passages in the New Testament, quoted from the Old, & called Prophecies concerning Jesus Christ," &c. &c. By JOHN B. COLVIN. August 11

GREEN TURTLE SOUP

Will be served up at the Shakspeare Tavern, THIS DAY, and every Wednesday and Saturday during the season, by J. BROWN. Private families can be supplied. August 6. W&S

First Baltimore Troop of Light Dragoons.

The members are requested to meet at Mr. Fulton's Inn, next Saturday evening, at 8 o'clock, on business of importance. By order, WM. M. MATHADEN, Secy.