- American,

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THURSDAY, NOVEMBER 12, 1807.

INSURANCE CASE. In the circuit court, Pennsylvania district, before Judges Washington and Peters, Oc.ober session, 1807.

GRORGE SCRIBA, Action on the case for a The Insurance Compareturn of ny of N. America. premium. Meredith and Tilghman for the plain-

Hopkinson and Ingersoll for the defend-

The facts were substantially as follow: The plaintiff being owner of the cargo of The schooner Alert on a voyage from N. York to La Vera Cruz, caused insurance to be made thereon to i's full value by several policies, some on the outward voyage only others out and home. The outward . pasicies contained the usual clause, "beginning the risk at and from," &c. " and so to continue & endure until the vessel arrive at La V ra Cruz, and the sit se goods he there safely landed," &c. The Alert skiled trom N. Y. on her said voyag, In August 1801, and on the 7th of Oct. following, the plaintiff made a written application to the defendants for insurance - on the homeward cargo, stating, that she . had left N. Yark on the 14th of August, preceding, since which no accounts had been rec ived at her, and describing her as having been then in complete order, and in all respects titted for the in ended voyage. The defendants, accordingly, by policy, dited 9th October, 1801, made in-· surance on the ca go of the Aleri for the sum of 15,000 dollars, " at and from La · Fera Cruz 10-New Yok, with liberty to 'es touch and trade at the Havanna or New " Orleans," at a premium of 12 12 per cent-to return 5, if she should come direct from Li Vera Couz without touching at the Havanna or New-Jileans, and should arrive safe.

The Alert was twice captured on her ontward passage; her hatches were broken open, and almos every box and package in her had for ed by the crew of the former of the capturing vessels, u der the pretence of searching for contraband. By the other, she was carried into Jamacia, and being liberated after trial and a detention of nearly two months, she proceeded with the same eargo on her voyage towards, La Vera Cruz, during which she experienced heavy gales, and was injured in her masts an rigging. Oh the 5th of December she arrived and let go her enchor outside the fort and h thour of La Vira Cruz, but after a stay there of a few hours, was ordered by the go einer to get und r weigh immi diately and proceed to sea, a. d was campe led so to do not being permitted to land any part of her cargo, nor to take any thing from the share. She then proceeded for New.Orleans, that being the nearest port where she arrived on the 24th of the same month.

The plaintin having received information of her arrival at New Orleans from the supercargo, who expressed an intention of proceeding thence to the Havanna, in search of a market. as soon as the neetesary repairs should be done to the ressel, applied to the desendants on the 17th of February, 1802, for permission to touch and trade at the Havanna. This permission was granted, and the following clause adden to the policy, viz. " It or being presented by the assured, that the is upove numed schooner Alert has arrived at " New Orleans from La Veta Cruz, it is se regreed at their request and in consideraa cion of a half percent additional premium. st that she may proceed from New Or.e ns to the Havanna, and from thence to ... w-" York, without frejudice to this insurance." It having been, however, ascertained that the port of the Havanna was shut against American vessels before the Alert had leit New-Orleans, she did not proceed thither as was intended, but having unladen the cargo she had brought from La Vera Cruz, (being the same she had carried from New York,) the took on buard a cargo of cotton of the value of about 2000 dollars, with which she proceeded directly to New-York, where she arrived in safety. It appeared that the Value of the cargo of cotton was fully coverted by prior policies on the homeward risk, if they attached at all-

Upon these facts in was contended by the plaintiff's counsel, that by the express terms of the court ct, the risk on the outward policies was to continue until the arrival of the Alert at La Vera Cruz, and the goods should be safely landed, that if they ceased on the arrival at La Vera Cruz (the entry of the vess land the landing of the cargo being prevented by an interdiction of commerce) the risk was thrown on the Plaintiff; that to say the homeward risk attached to the cargo carried from New-York to La Yera Cruz would be alike contrary to the express terms of the contract; and to the meaning and intention of the parties, neither os whom could ever have contemplated 'the return of the cargo shipped at New-

tract of insurance, and indispensable to its being obligatory on the insurer, that the ship at the commencement of the risk insured shall be titted in all respects for the intended voyage, and that the goods shall be in good order and properly laden; that in this case, occurrences, not known to the insured and therefore not com: sunicated to the insurer at the date of the policy, neither vesser nor cargo were in such situation as by the implied contract would be necessary to bird the underwriter, of whom no indemnity could have been recovered, had a loss happened. With respect to the cargo shipped at New Orleans it was contended that if the homeward policies could be consider d as attacting to it, the prior policies of that descrip ion were sumi ient to cover it; and that the permission to go to the Havanna, could have no effect, because ov dently applied for and granted uader a mistaken opinion on both sides, that the homeward policies had attached, and premium been earned: that this mistake would have protected the underwriter from hability for a loss, and, oright not to defeat the plantiff's claim to a return of premium.

On the other hand it was contended by the defendant's council, that the oniward risk ceated and the nom ward risk began at the moment the Aiert cast menor at La Vera Craz, the homeward policies being "at an i from" La Veia Cruz:-that no chism was contemplaced by the partie, who evidenly intend d that the homeward pulicies in aid at a h the moment the cutival dipolices cealed; ha at all events the applica ion for permit sion to go to the Hava-na, made by the plaintiff at er a knowledge of a time previous chemnances of the voyage and granted by he defindant, was an ad nissi in on both sides that the risk inound be considered as having a rac e .. nd - inchi sive upon the parties that it would have tuojedes the underwriter to lois, had one taken place. Some reliance too to mild to be placed on the plantent's not having communicated to the militred any interpation of what had previbusly occurred at the time of applying for this permission, which was faid to be fuch a trand to law, as world prevent a recovery of the premium even in case the risk had not been

judge Washington charge I the jury in favor of the plant it, and we that give a dimmity of his charge, in the lame brief and necellarity imperf A manner in which we have flated the arguments of he couniel.

He oblerved, that he was much millaken, if it ought not logive pleature to un lerwrite s for the court to fay that the principles of law on a hich ch à fen ant s counfel nginis natan e reised, were unfounded. There are we to ogs necessary to toim a contract: the consent of the parties, a na fuoj. Aon which he con rach is to take entet. If the risk contempla ed in a policy, never commences, there is no contra t and the premium which is the price of the risk muk be re arned. By this policy the aiventure was to begin on goods taden at I.a. Vera Cruz, whi rias no goo s were anden at La Vera Cruz, bu the Alert returned with the lame cargo which the had carried from N. York. It never could have been in the conbemplation of their parties, that the rick thou d attach on this eargo, no more than if they had infured a targo of rum and a cargo of c coa had been laden, the policy could be considered as covering the latter. That as to the memorandum giving permission to touch at the ifa. vanna, it was meraly additional to the former contract, but not a new inturance, in making which, both parties evident y acted under & mistake in point of law, supposing that the risk had commenced at La Vera Cruz, who eas in truth it had not. That without doubt, the parties might have agreed that the risk should be considered as having commenced, and bound themfeives by fuch agreement, as in & cafe of deviation known to buth parties, the underwriter may wave the effect of the deviation, and vind himselt for a sublequent jois; but that to make fue : an agr. ement in this cale a full knowledge of all the previous circumflances and thour offed on the rights of the parties, was neueffary. The judge observed, that it was unnecestary to expeels an opinion on the point of fearrorthinels, the cafe being with the plaintiff on the other ground, and the jury found a verdid accordingly.

CONGRESS.

HOUSE OF REPRESENTATIVES.

PRIDAY, November 6. Meffrs. Garnett and Buces were appointed to Join Mr. R bineun of the Sennate, 28 & committee of entolled bills.

The Speaker laid before the House, the annual Report of the Secretary of the Treasury, which was referred to a committee of ways and means and ordered to be printed.

The Speaker allo laid before the House a communication from the Governor of the Indiand Territory, inclosing refermions of the Lagislative Cauncil and House of Representatives of that territory, resolving to make application to Congress to repeal the 6th article of compad contained in the ordinance of July 1787, which probibits the introduction of slaves into

Alfo a counter petition from the inhabitants of Clark county-both which were referred to a select committee of seven members.

Mr. Sloan presented the petition of Ludwick Kuhn, of Philadelphia, praying for a campenlation for lupplies furnished during the revo-

lution -- Referred to a committee of claims. Mr. Gardenfer presented the petition of William Hanna, and others, of Schenectady, manufadurers of leather, praying that an act may be passed probiniting the exportation of green hides and skins, as there are not produced in the country more than fulficient for home consumption, and they are now under the necessity of importing these articles from the Spanilli Main .-- Referred to the committee of

commerce and menufadures. Mr. Morrow presented a petition from eitizens of Warren county, in the Rate of Ohio,

praying for a new post road - Referred. Mr. Lewie, from the committee appointed on the fubject of the Potomac Bridge, reported a bill authorising the erection of a bridge over the river l'otomac, in the district of Columbia, which was twice read, committed to a committee of the whole, and ordered to be print-

Mr. Lewis presented also the petition of John Erans, of Monangahela, flating that David Scott, to whom he had understood a pension had been granted, entered into the army of the United States in the spring of 1777; and that he was the year following broke by & York: that it was implied in every con. | cours martial, and praying that the circum-

flarices of the safe mur be enquired in o.—Re-Idered to the Secretary of War. Adjourned till Monday.

LEGISLATURE OF MARYLAND. HOUSE OF DELEGATES.

Thursday, November 5, 1307. On motion, leave given to bring in a bill, entitled "a" act for the encouragement of learning in this Stat ... Committee thereon, W. H. Browne, Little, Mitchell, Thomas L Direcy, 'tolorook, Kulin, an! Kecr.

A petition of sundry inha situate of Bultimore County, praying for a public road from Monkton Mills, until it intersects tur York turnpike road, was preferred read, and reistred to Messrs. Little Hazryman, and Aloses Brown, to consider and report thereon.

On motion, leave was given to bring in a bill entitled " an acreo oegulate and discipline the MILITIA of this State," and the house procreded to ballot for a committee to prepare and bring in the same, when Messes. Little, Belt, Mitchell, Jung, T. B. Dorie, Street and Osborne Williams were elected.

Nar. Herr from the committee presented a bill, entitled " an act to settle and ascertain the salary of the mimbirs of the council the ensuing year," which was read the first time and ordered to lie on the table.

HELST NEERS (Sweden) Aus. 27, 1807. The Danes have I t the to the lunar wot Copenhagen. The English wavance rapidly in their operations agoult the city. A number o: Danim v. ifels have been capitured and carried

to the British fleet.

CHARIOTTONIAND, (Den.) AUG. 27. Chechagen is entirely fur und d, the fupply of water our r.l., and provid us so so ic ice, that it cannot he does many days. Lord Cachcart has permitted the Roya. Lamily to repair to Helitein.

Ad nivales Office, Sept. 12, 1807. CAPTURE OF HOLIGOLAND. Latter from Ad. Russell in the Secretary of the Admir asy, direct

Mijeriic J Holgo. ad, S pt 6, 1807 I bog you will be pleated to acquaint my Lords Communité ners of the Admiralité, that I ar wed at the I Land, and anchored dole to the town, on the 4th autim, at his final two P. M. but did nit, as d'exact d, nd the Ex plotten, the Wanderer, or the taxe tion, with which here Lordings had mended to remidice me - (since winter)

Having I was that Lord Falkland had, with his utual zeal and promp nets, temmored he garrifes on the 30 h ut and hat his proposed were rejected by the Gov mo, I was taking my arrang ments to do m be a wall the marines a d'en n'et he liquer it it a did not inftantly some nier for ? . is time the VAlue of the ill od to us is to beate.

At his M however, he that out a flig of tiuce, d fi ing mat an office might be fen in recomming of .. narticle of cali anaton, and I acc dingly, at dayl gut yellerdiy morn. i g sipache a rd V. com Falkland and Leur D'Avergne, (Arthof this thip,) on that

At two P. M the deputation returned with the articles of capitulation, which I immedi ately rat fiel.

With a small expense this island may be made a i. e Gib altar, and a l'ie haven ter Small craft even niche wih e. ; i. . a ieg to the rivers : ms, Weser, Jude, Elb-, and I yder, the only alycum at prefent for our crailers in these te s.

I have appointed Lieut. D' luvergne as act. ing governo: until their Lordinip ' pleasure is known; and I be greave to add, that, from his perfect knowledge f both tervices, hi zeal an : loyalty and a high te le of ionor, I know no is mun more competent to the trust (Signal) T. MACN & M...ILA RUSSEL.

LONDON, SEPT. 14, 1207, Letters from Lituon pe P cket, axte. hat Spain had demund diffic fall of the line an 15,555 troops from Portug i, a d ha, in c mpliance with this demand, the ships were equip-

MADEIRA The Quid Nuncs have gueffed that the expedicion now niting out at Portimoush, is deftined to take possessi not the island of Madeira; but it is not to be "possied nat Mnitters have trufted fuch leaky gon lemen with their secrets. A force (laid to be 1 000) is ordered to be embarked; and transports have been vidualled for thre, months, at Portimouth The expedition is expedied to fail in al. Sept If Madeira is the object t the expedition, its possession will be in consequence of an arrange ment with Portugal, as in 1801; when we took it by content of the Portuguele. It was garrifoned jointly by the troops of both nations ; and no change was to take place in the government of the ifland.

FURTHER PARTICULARS. Gen. Crawfurd and Sir Samuel Auchmuty have arrived in the Saracen brig, which brought the disputches from S.

The English demanded, that no im pediments should be thro nin the way of the commerce of the British merchants for four months. This was rejected by the Spaniards, because contrary to the Spanish laws.

Immediately after the convention was signed the English began to embark from Imenos Ayres. All the prisoners were exchanged; and the tury of the Spaniards was restrained by their officers. The Spaniards in arms amounted to 20,000. All the Spanish trading vessels were burnt to prevent falling into the hands of the English. Two of the British regiments were to go to the Cape of Good Hope; —the rest to return to En-

Thus ends the British Expedition to South-America.

> LONDON, Sept. 12, Britain vs. Denmark.

The London Gazette of Yesterday, contains the official Journal of Ad. Gambier, to the 25th August.

JOURNAL. "On the 23d the battery of thirteen 24-pounders was completed on the lest wing of the army, to protect its advances against annoyance from the Danish gunboats. At 10 A. M. three Danish praims of 20 guns each, and about 30 gunboats, attacked the British advanced squadren, composed of the Thunder Zebra, Fury, Etna, and Vesuvius hombs; Craizer, Kitefand Muting alcops ; Hebs, Fearless,

the strategic of the st

Indigent, Urgent, Pincher, Teazer, Tigress, Desperate and Saleguard gun brigg; - hiee armed transports, and the mortar hunches. The Crown battery, fleating batteries and block ships ail unit d in the attack; which lasted four hour. The file was returned with great spirit by the squadron; and some attempts made to throw Mr. Congreve's rockets, but the distance was too great to produce any effect. At two o'clock the British gun-brig, which were farchest advanced, were ordered to retire, and the firing ceased. Lt. Noodward and three men were killed, and 13 wounded. One Danish gun-boat supposed to be disabled or sunk; and one pream was tow-d out of the line. The new battery at the Mill opened, and took a part in the engage-

Aug. 24. The Admiral went on shore to confer with Lord Catheart. The right wing is advanced near the t wn, and preparing mortar batteries to bombard it. The enemy hiving withdrawn their out posts, have set fire to the suburbs. No attack this day.

Aug. 25. The damages received by the gun-brigs in the late action are all repair d, and the vessels again ready for service.

GOTTENBURGH (Sweden) Aug. 28. The English have thrown up very strong works around Copenhagen, and commenced a regular seige. The Limekiln batteries are the objects of their first attack; the Crown Batteries will afterwards ne atmek d. - I'm city must yield in a sew days. A Danish excert of 850 men, convoying guaponder to Cronstadt his been taken by 150 English light dragoons.

An English M ssenger has arrived here, in nine days from Petersburg for London A letter from Stockhelm, states, that the Russian Minister there had apprized the government, that if Sweden took any part against Denmark, or suffered lengisch ships to en er their harbouts, a Russian army would be march. ed into F al nd. =

Aug. 51,-On the 29th, Cope higen had not furiendered; but the town was i said tobe on hie, as well as the Old Holin | tain's quarters, Old Town, this afternoa (the argenal, we presume.) A great bus at 2 o'clock in full uniform, with arms tle still prevail. - The English are still, and accoutrements in good order. The landing mortars, connon, &c. for a grand i roll will be called at half past two and attaci. No regular bombardment had ; all absenters fined. taken plac; but was expected in the course of the week. The partial firings had done much damage.

Reports state, that Copenhagen is on fire, and that a church had been reduced. The English are said to have jost two officers of distinction. & several men killed by the fire from the Danish batteries.

NORFOLK, Nov. 5. On Monday sait an affair of honor took place between capiain Charles Girdon and Mr. Andrew J. M'Connico, in which both were wounded.

Orders were received on Monday from the Department of War, to ditcharge capt. Neilie's company of trillery, and capt. Reid's company of hulanity; 28 these were the only com panies of millia in adual fervice, their difcharge has a pacific appearance.

American,

Commercial Daily Alvertiser.

THURSDAY, NOVEMBER 12 1807.

[FROM OUR CORRESPONDENT] New York, November 9, 1807.

We have this man in received advices from Gottenbugh, by way of Boll n that Copenhagen .u endered to the Brigith on the 6th of September The flett to be fent to Engian i in fix weeks after the conclusion of the convention. The veffel which brings the intelligence left Gottenburgh on t e 13th, and attived at Bofton on Thurf lay.

Came up this morning. fhips Oliver Ellsworth, Ely, Calcuita, 124; Minerva, Burdick, Chailetton. 7; brig. Wallington, Watges, Montego Bey, 47; Friendillep, Somer, Nassau, N. P. 17; In...a Willon, New-Orleans, 20; Schooners Augusta, Johnston, Ragged Island 17; Fri nd. thip, Henry, North Carolina, 7; Jane, Boyd, Richmond, 7; Minerva, Bird, Patriaue pinta, 3; floops Caroline, Baxter, New Providence; and Laura, Goodrich, Charleston, 8.

FOR THE AMERICAN.

Mr. Pecbin. Have g induged me with the publication of my two former ellays on the lubject of the militia law, I am induced to trouble you with a third.

There are a number of men who, no doubt, will be leguely exempt from military duty, on account of bodity infirmity, and many of whom are wealthy; but are thole indifcriminately to be not only exempt from military duty but also from all cost and charge towards the support of a military enablishment? If so, I conceive they may efterm themselves, in some measure, providentially afflicted. However, as both their persons and property are held faered, and protected by our laws, in common with the rest of their fellow citizens, I do hambly conceive they should bear part of the burthen, and be bound to contribute fomething towards the Support of that general inflitation, which is about to be framed for the falety and protection of us all, nor can I conceive why a man who has nothing to fight for but his liberty, flould be compelled to rilk his life in a general cause, while others who have immense property at flake, should remain at home, puttuing their daily occupations, free from fatigue, free from danger, and pay hotbiag metely ecause they may labor under some trifling infirmity, which may cause them neither pain nor uneusiness. I think it unreas nable, and h pe the legifiature may take it into confideration.

I would also suggest to that honorable body whether it might or might not be proper to take into confideration the fituation of our non-commissioned officers, for those men gepsrally, though men of respectability, are not men of fortune a configuently cannot well affert to lofe their time, in running over the neighbord kgod day after day, warning others of their

milimey duty, (who have at least ten times in interoft at flake, that they themselves have) without any reward or compensation whatever-To every commissioned officer there is attached some degree of honor that may simulate to military duty, and as nothing of the kind is attached to the laborious duties of non-commissioned officers, I think they flould be homored with a flimulus of a more permanent na-

It may be observed that those who feed upon the infipid diet of hour alone in its highest perfection (and do nothing) are generally very thin upon the ribs; it mult therefore certainly be much worse with these who perform much public duty, and receive neither borner nor profes I therefore think there should be a provisiou made for them by fome moins or other, but whither this provision (if any) finuld be made by the minies ariling from thole of our brethren, who are containciously foruntilizes of bearing arms, or from a tax upon fuch invitids as ab we men ion d. or by any other means, is a subject o. co isideration for an assemblage of wiler heads than that of

GUSTAVUS.

NOTE TO GUSTAVUS. I de not know of one company that has the number of non-commissioned on ers r-quired by law, nor is it in the nature of things to expect men generally to except of an office for preguant with fatigue and trouble, and voit of either honor or profit; hence arifes the ulticulty of procuring these officers to necessary to a mi itary initiation.

Married, on Tuesday evening full, by the Right Revorend Bishop Carrill, Mr. FRANCIS

YOU TREE, to Mil's ELIZABETH ROSE. Ma ried on Monday evening, by the Rev. Francis Bees'on, Mr. William V Jenkins, to Milis Ann M. Wells. Daughier of Mr. Cy. prian Wells, of this city.

Port of Baltimore.

Ech'r Louisiana, Danton, Liverpool Alex. Hamilton, Stet'en, London

CLEARED. Sehrt Federal George, Dexton, St. Jago de

From the Merchani's Cofee-House Book.

Sally, White,

Novemb r 11. Arrived, Ship Alexander Hamilton, Stetson, 65 days from London-dry goods-A. & H.

Baltimore Yegers. Meet at the Cap-

By order JOHN SCHMIDT, Sec'ry. November 12.

Baltimore Vulunteer Guards, meet opposite the 3d Pr-sayterian Church this evening, at 2 o'clock precisely, in uniform, with arms and accourrements complete.

R. MACKUBIN, Sec'ry. Nov. 12.

Fell's Point Riflemen. You will meet at the cuptain's quarters on Friday, tho 13th of November, one o'clock p.ecisely, in full uniform, provided with powd r, and those who have Rifles with ball, punctual attendance is ind spensably necessary, as business of importance will be laid before the company. Persons lat ly admitted will uniform themselves previous to that day, otherwise they will be returned as district men; and those intending to join will make immediate application to some one of the officers.

N. HYNSON, captain. november 12.

B. Eimore Fusileers. You will meet at your captain's quarters This Afternson at one o'clock precisely in full unifo in with arms and accourrements in complete order. This being the last constitutional uniform parade for the present season it is expected the menbers will be punctual in their attendance.

By order, WALTER FARNANDIS, Serj. Movember 11.

THE FELL'S POINT LIGHT DRAJ GOONS, will meet at the C ptain's quarters, on F: day evening next, the 13th inftant, precifely at 2 o'c ock. in blue stable drefs, and otherwise properly equipt. By order,

> JOHN HANNA, Sec'ry. Nevember 12

BALTIMORE UNION VOLUNTEERS, You will parede [for the last time this sealon] This Afternoon, at 2 o'clock, at your quarters, North Gay-ftreet, in full uuiform, with arms and accourrements complete, to proceed in company with Captains Winder, Fowler and Schmidt, to Lindenberger's lot.

You will furnish yourselves with fix rounds of blank cartridges. The roll will be called at half past two, and all abfintees fined.

As it is the lass time, a general meeting of the company is expeded. By order of the Captain,

JUHN: WHITELOCK, 1st Sergt. November 12

Sale by Auction. Cole & I. Bonsal, Auct'rs. Will offer for sale on THURSDAY, 12th inst. at their Warehouse back of the Union Bank

of Maryland, (entrance from South Charles street,)a variety of Household and Kitchen

FURNITUKE. Sale to commence at half past 10 o'clock. november 11

Sale by Auction. Will be added to the sale This Day at 12

104 barrels of excellent Mulcovado Sigar 20 baxes 11 gr. cheffe Simportation

Hyson Tea, of this year's 240 boxes Segars, of a very superior quality,

2'HOMAS CHASEr Auey'r.