

SALE BY AUCTION.

On Friday next the 28th inst. at 10 o'clock, at our Auction-Rooms, corner of East and Lemon-streets, and near the Theatre, will commence the sale of

A variety of Dry-Goods & Fancy Articles.

And at 11 o'clock

A Great Variety of

Household Goods & Furniture.

Part of which is sold to close a concern, and will be disposed of without reserve.

CONSISTING OF

Sidboards, Dining, Breakfast, Tea and Card Tables, Bureaus, Bedsteads and Chairs, of various descriptions, Beds and Bedding, Andirons, Showels and Tongs, Carpets and Carpeting, And generally every description of Household and Kitchen Furniture.

In course of the sale,

Positively without reserve, to close sales,

A substantial Philadelphia built

GIG,

And a few boxes of Havana

SEGARS.

Immediately after the sale of Dry-Goods, will be sold to the highest bidder

A Valuable Farm

on Elk-Ridge, for a particular description of which see our advertisement in the respective newspapers.

WM. G. HANDS, & Co. Auctioneers.

December 27.

SALE BY AUCTION.

On Friday the 28th inst. at 10 o'clock, at our Auction-Rooms, corner of East and Lemon-streets, nearly opposite the new Theatre, will be sold to the highest bidder

A Valuable Tract of LAND,

Containing about 500 acres, situate in Anne-Arundel county, about 12 miles from the city of Baltimore, on the post road leading to the city of Washington, in the neighborhood of McCoy's Tavern, (formerly Spurr's) and about 6 miles from navigable water. About 250 acres of this land are heavily timbered, and the remainder excellent arable land, well adapted to the use of *Planters of Paris*, with 15 acres of meadow ground of a superior quality. Persons desiring to purchase are invited to view the premises. The terms (which will be made very easy) and other particulars will be made known at the time of sale.

W. G. HANDS & CO. Auctioneers.

December 25.

SALE BY AUCTION.

On Tuesday the 30th inst. at 12 o'clock, at the Auction-Room at the head of Frederick-st. dock, will be sold on 90 days credit, for approved endorsed notes, for account of whom it may concern, the CARGO of the Spanish brig *San Carlos*,

Consisting of 43903 wt. Malacca Pepper 2107 gallons Palm Oil 3225 wt. prime Ivory, and 23 tons 9 wt. Cam. Wood.

Immediately after which will be sold, The Brig *SAN CARLOS*, With all her materials as she arrived from sea.

C. O. MULLER, Auctioneer.

December 25.

FREIGHT WANTED.

Four Hundred BARRELS of Flour will be taken on moderate freight on board the ship *ADISON*, to Cadiz or Lisbon. In order to give dispatch, application must be made immediately to

JAMES BLAYS.

December 20.

FOR LONDON.

The elegant fast sailing and coppered SHIP *CONGRESS*, Alexander Clark, master.

The greater part of her cargo being engaged will be dispatched immediately—a few packages of small size, will be taken on freight, and passengers can be well accommodated. For terms apply to

JAMES BLAYS, or JOHN BOLTE.

December 10.

For Freight or Charter.

The good fast sailing schooner *FAVORITE*,

William Wornon, Master. Lying at Spear's wharf, burthen about 850 barrels—now in complete order for the reception of a cargo. For terms apply to WILIAM WORNON, at the Merchant's Coffee-House Hotel, or to

JOHN GILL, Notary Public.

December 27.

MAYOR'S OFFICE.

Baltimore, December 24th, 1810. WHEREAS many persons are in the habit of firing guns in the city and precincts, on the approaching season to the great annoyance and danger of the citizens, particularly of females. I do therefore, hereby especially enjoin all the city constables and watchmen to be active and vigilant in detecting and apprehending all persons committing so wilful and dangerous breach of the law. And the good citizens of Baltimore, are earnestly requested to afford their assistance to the officers of the police, in order that all such offences against the law, peace, and good order of the city, may be brought to punishment.

EDWARD JOHNSON,

Mayor of the City of Baltimore.

December 25.

TOBACCO.

26 hhds. Bright Maryland TOBACCO, inspected here.

24 hhds. heavy Upland James River Do. suitable for the French market.

85 hhds. TOBACCO STEMS.

FOR SALE BY A. BOUGHAN,

15, Bowler's Alley

December 21.

SHERIFF'S SALE.

By virtue of a writ of fieri facias, issued out of Baltimore County Court, to me directed, will be exposed to Public Sale,

On MONDAY, the 31st instant, At 11 o'clock, at my office, near the Court-house—for Cash,

1 Jib-Sail, 1 Main-Sail, & 1 Fore-Sail.

Late the property of Moses Fessenden, seized and taken at the suit of Joseph Elder, for the use of Benjamin Fales.

WM. MERRYMAN, Sheriff.

December 25.

THE WHIG.

"GIVE US BUT LIGHT."

BALTIMORE:

FRIDAY, DECEMBER 28, 1810.

We have been favoured with the loan of a few German papers—if the translator discover any article of moment, it shall appear to-morrow.

TO CORRESPONDENTS.

Our friend "A. B." is informed, that want of room alone has prevented us from gratifying his request to-day by republishing the strictures of William Findley, Esq. a member of congress against the *United States Bank*. We shall insert them in a day or two. We agree that "the arguments are able, the facts incontrovertible; the reasoning unanswerable."

RUMOUR.

Whispered yesterday, that news had been received in town from Philadelphia, of the British army having been again defeated in Portugal. To-day's Eastern mail will furnish the truth or error of the report.

The branches of the U. S. Bank, at New-York and Charleston, it is supposed, will find great difficulty in winding up their affairs (notwithstanding their extensive discounts and weighty dividends) unless they can succeed in buying another violation of the constitution from congress. The N. Y. branch has already in effect stopped payment: witness the refusal to pay Mr. Astor his money.

(Communicated.)

The following extracts are from a letter I have received from a respectable member of the Virginia legislature, bearing date at Richmond, 18th instant.

"You mention a report, that there will be opposition here, to the re-election of Mr. Giles—I believe there is no sort of foundation for this report—on the contrary I have heard no person but Giles spoken of, and I agree perfectly with you on the propriety of re-electing him."

"From Col. Monroe's course here, I am persuaded he is not seeking any appointment at this time,—whatever his views may be towards the presidential chair after Mr. Madison has served eight years."

"The bank question is much agitated here, and will soon become a subject for the consideration of our house. If no other person brings it forward, I shall certainly do it myself—all the members I have communicated with on the subject agree with me."

"I have for some time viewed with concern the current of appointment under the general government, more particularly as to the offices, which are exercised within the District of Columbia. I am well assured, if Mr. Madison was aware of the public sentiment on that subject, fewer federalists would find places there."

The Poor Lodger, a comedy written by Mr. White, of Boston, has been performed at the Boston Theatre with distinguished applause. It is represented as a work of considerable dramatic merit.

MODESTY.

The New-Jersey legislature, at its last session passed an act laying a light tax on bank stock. But the banks have determined to govern the legislature and resist its acts—they have employed a number of first rate lawyers from different states to defend their refusal! How will the *Farmers* and *Mechanics* of New-Jersey endure the attempt to establish a *privileged corps* whose property shall be exempt from taxes, while they are doomed to labour in support of the government,—unaided by those who enjoy privilege and protection from that very government? The following gentlemen are said to be employed to contest the legality of the bank tax:—

Aaron Ogden, Richard Stockton, and William Gridith, Esq. of New-Jersey; T. A. Emmet, Esq. of New-York, and A. J. Dallas, Esq. of Pennsylvania.

Suppose George the Third to be dead, ere this date: suppose him summoned before the Great Tribunal, to account for his stewardship during his fifty years reign!—He can return an estimate of fifty millions of souls destroyed through his instrumentality in various quarters of this globe! He can state the happiness he has banished from unoffending states; he may relate how he has fettered Liberty, and murdered her votaries;—how he encouraged espionage, rapine, assassination.—After all this, he may "receive his reward" with Pitt.

"O next himself in power and next in crime," This hint is enough to wake a train of serious reflection.—If virtue is entitled to a reward hereafter, it is just to imagine these obdurate fiends, punished and bound down.

"To clank in chains and penal fire!"

The bill for redeeming the Paper Currency of this State, (says the Raleigh N. C. Register of Dec 20) and establishing a *State Bank*, will to-day go to its third reading in the Senate.—It has passed two readings in the Commons.

Beneficial discovery. We learn, with much satisfaction, by the Farmer's Register, that a quarry of stone has been

discovered in Pownall, Vermont, 27 miles from the Hudson, which has been tried by a number of respectable farmers, and found to possess the qualities of Plaster of Paris. It is manufactured and sold at 31 cents per bushel, or 325 a ton. The value and importance of this discovery to agriculture will be duly appreciated by the public; and a new evidence of the inexhaustible resources and riches of our country.

POLONIUS BEHIND THE ARRAS!

It appears by the report of the Commissioners of the Sinking Fund, that the Secretary of the Treasury was ordered and authorised by Mr. Madison, to make the late *reprobated* loan from the United States Bank!!! Mr. Madison, then has had a full opportunity of learning (inco!) the unpopularity of that impolitic measure; and he may compare his speeches in 1790 & 1791 with the acts of 1810! The following is the order to Mr. Gallatin:

JAMES MADISON, President of the United States of America, To ALBERT GALLATIN, Secretary of the Treasury.

By virtue of an act, entitled "An act authorising a loan of money for a sum not exceeding the principal of the public debt, reimbursable during the year one thousand eight hundred and ten," passed on the first day of May, one thousand eight hundred and ten:

I do hereby authorise and empower you, by yourself, or any other person or persons, to borrow on behalf of the United States, of the Bank of the United States, any sum not exceeding in the whole, three millions seven hundred and fifty thousand dollars, and to make or cause to be made for that purpose, such contract as shall be necessary, and for the interest of the said states, and pursuant to the act aforesaid. And for so doing, this shall be your warrant.

Given under my hand at Washington this twenty-eighth day of May, in the year of our lord, one thousand eight hundred and ten.

(Signed) JAMES MADISON.

FRENCH COUNCIL OF PRIZES.

Translated for the Whig.

From the Memoirs in defence of American cases at Paris—by D. B. Warden, Esq. our late consul.

To the Attorney-General and Members of the Council of Prizes, at Paris.

GENTLEMEN,

I have the honor to submit to you, the following defence concerning two American vessels and their cargoes, provisionally condemned by a decision of the French agent, who has thought proper to retain, in his hands, all the original papers, and to supply their place by certified copies, to serve as a basis of the definitive decision of the Council of Prizes.

The question, almost identical in one and the other case, is of great importance. The neutrality of the vessels and cargoes is perfectly established by the most unobjectionable documents. The motives, or pretexts for condemnation are very singular, and as it will be easy to shew, very unjust; for, in fine, no document is wanting which is required by maritime regulations, or by the last Imperial decrees.

The 13th of April, 1809, the schooner *Little John*, sailed from Baltimore, in the United States, having on board, coffee and Campeachy wood, destined for Tunis, on the Barbary Coast—the 29th of May following, he was taken by the French corsair *Ulysses*, of Corfu, under the command of captain

—, who ordered the prize to the port of Navarrin, in *Morea*, where the vessel and cargo were confiscated by the decree of Mr. Fanetty, one of the agents of the consulate of the French empire, at this port.

The papers of the schooner, are:— 1st. A letter of the President of the United States, dated the 13th of April, 1809. It has, for its object, the protection of this vessel, her cargo and crew, in her voyage from Baltimore to Tunis; and, it declares, at the same time, that the whole belongs to one, or more citizens of the United States.

2d. The Register—whence it results that the said vessel, of 133 tons, was constructed in the state of Maryland; that she is the property of Mr. Thomas Tenant, citizen of the United States, and merchant of Baltimore; and lastly, that an individual, also a citizen of the United States, Mr. Hinton, is the captain.

3d. The clearance of the custom-house, certificate and role d'équipage—all these papers are perfectly in rule, and conformable to maritime regulations.

4th. Bills of lading and invoice, which are also perfectly regular—the Campeachy wood, and the greater portion of the coffee, are the property of Mr. Tenant, the remainder belongs to Mr. Percival, merchant of Baltimore, and citizen of the United States.—The whole was consigned to Mr. Ralph W. Goodrich, also a citizen of the United States, and navigating in the quality of supercargo.

The proprietors have also made, before a public notary of the city, a declaration on oath, wherein it is stated that the merchandise is their respective property, embarked on their account, by their desire, and for their use, and that no subject, or citizen of the belligerent powers, nor no individual residing within their dominions, colonies, or dependencies, has, directly, or indirectly, any share, interest, or profit therein. The Notary further adds, that the declarers

are merchants of the United States, who enjoy an established reputation.

To these documents is added a certificate of origin, in the most authentic form, signed by Mr. Arcambal, French consul at Baltimore, attesting that the merchandise does not come either from Great-Britain, or from her colonies, manufactures or commerce. This certificate is addressed to the Consul-General of France, and charge d'affaires of Tunis; conformably to the circular letter of his excellency the minister of exterior relations, dated the 20th of April, 1808, of which a copy was sent to the counsellor of state, and director-general of customs, at Paris.

A part of the coffee comes from St. Thomas, the remainder from the Island of Cuba, or from St. Bartholomew. The vessels by which it was imported, are indicated, and the dates of its entry, and the whole is certified by the chief of the custom-house and officer of the port.

I shall now relate, as briefly as possible, the circumstances which accompanied this capture, such as are detailed in the reciprocal correspondence of the French agent and commandant of the corsair.

This last, in favoring his good adventure adds, that to obey the orders which he had received, and following his own intentions, he wished to conduct his prize to Zante; but was prevented by the enemies vessels and contrary winds; that besides, the captain of the *Little John*, had declared to him that he was bound to Smyrna.

Mr. Fanetty, in presence of two merchants, one from Zante, the other from Corsica, proposed to interrogate the captain and crew of the prize: but none of them knew any other language than that of the United States, and all refused to sign any papers whatever. Thus, in the absence of an interpreter, the only intelligible thing that results from the interrogatory is, that the captured vessel came from Baltimore. This declaration is of the 7th of June, 1809.

On that day, on board the corsair, the road of Navarrin, captain Camugli hastens to write to the consular agent, to pray him to decide, as soon as possible, concerning the prize, and to prevent the corsair from longer delay; for every delay, said he, involves danger, and the more so, as the country, in which we are, is favourable to our enemies."

The day following, Mr. Fanetty accompanied by a French master at Zante, and another from Corsica, both established at Navarrin, were requested, according to laws, to aid him in the examination of papers relative to the captured vessel. Therefore, he declares to have examined them with care and scruple; and from this examination, he adds, have resulted the following motives of confiscation.

1st. Seeing that the vessel sailed from Baltimore, with a fixed destination, that of Tunis, where the cargo was to be delivered, and as there was no other destination well proven, and seeing that the said schooner was met in the Archipelago, between the islands of Serigo and Candia, steering to the east for the port of Smyrna, as the captain has declared, it results that the said vessel ought to be declared in a state of contraband; for a fixed destination cannot be changed. The laws are precise on this head, and particularly the regulations of the 21st of October, 1711, cited in the code of Prizes, vol. 1, p. 474, art. 7. No regard shall be paid to neutral passports to which those who have obtained them, are in contravention, and vessels, which sail under such passports, shall be considered as a good prize. Mr. Fanetty also cites, from the same volume, p. 304, an extract of a letter of the king to the count of Thoulouse, dated the 23d July, 1701, in which it is said, "the passport for the voyage is supposed to have saved the vessel with which it is furnished, to the end of the voyage; and, hence to her return from the same voyage," etc.

2d. The French consul at Baltimore, must have been deceived by the false declaration of the captain.

3- The American vessel did not come to at the first shot; and as the corsair was obliged to fire a second, there is reason to apply the ordinance of the marine, year 1681, of August, sec. 12.

4. The embargo existed in America, when the vessel sailed, and consequently the papers ought to be considered as false.

Such are the considerations, which, on the 9th of June, engaged the Consul Agent of France, to condemn the *Little John* and cargo, as a good prize.

The day following, captain Camugli, always very anxious, as is very natural in such business, writes to Mr. Fanetty, to pray him to sell the whole to the highest bidder, and as speedily as possible; because, says he, the political system of Turkey may change in a day, and the prize may be compromised. This request was immediately admitted, and the sale was ordered to take place on the 15th inst.

Now, concerning the first motive for confiscation it may be observed, that it depends on the simple supposition of a fact, which cannot be proven but by the log book, and this document has not been sent to the Council of Prizes.—On the other hand, in admitting that the American vessel was taken in the Archipelago, whilst she steered towards Smyrna, or other neutral port; whether according to the verbal or written instructions of the proprietors, or choice of the supercargo, this circumstance would not furnish a sufficient motive for confiscation. The laws of the Uni-

ted States give to commerce this latitude, which a long voyage necessarily demands; and of which on that account, they frequently profit. The custom is consecrated; for it often happens, that, at sea, it is ascertained that the port of destination offers but a bad market, and that another port of a neutral power is infinitely preferable for the sale. Finally, the only proof given of the destination for Smyrna, consists in the declaration of the corsair; and no tribunal has ever acknowledged as positive evidence of this nature. Besides, for what purpose, if not to give to injustice legal forms, of which it is easy to invest its procedures, ransack the archives of ancient laws: why cite a regulation a century old, and which is almost obsolete, and endeavour to apply it where no application can exist? For in fine, according to the very avowal of the captors, the vessel steered for a neutral port, and this deviation of course happens often by other causes than that of a bad market—as in the case, for example, of a vessel driven by a storm, in a bad condition, or driven from her course by winds of long duration.

The second motive of confiscation leans on the supposition, that the French consul residing at Baltimore, has been deceived on the false declarations of the captain. It is sufficient to reply to this, that the supposition is taken for the fact. The third motive is extraordinary indeed. It is not permitted for an American vessel in a sea often infested with pirates, to seek safety in flight. If it be alleged that it was the French flag, is it permitted to answer, that the captain did not recognise it, or that he recollected that pirates often employ it. Without wishing to extenuate the respect which is due to ordinance of past ages, it appears to us, that in the age in which we live, there is no crime to fly as much as we can from danger.

As to the last motive, it is sufficient to observe, that the embargo did not exist in the United States at the time, when the vessel sailed—the 13th of April, 1809; and consequently, the papers cannot be considered as false. The date of the cessation of the embargo is universally known.

Where then is there a violation of a decree? By what reasons justify the confiscation of a neutral vessel? Nevertheless it has taken place; and the whole has been sold, vessel and cargo! The proceeds have been estimated at \$1,303 dollars.

I now come to what concerns the other vessel the *Nimble*, of 116 tons, which, under the command of captain Wilson, a citizen of the United States, sailed from Baltimore the 3d day of April, 1809, destined for Tunis. The cargo consisted of coffee and indigo. This vessel was taken at the same time with the *Little John* by the said corsair *Ulysses*, and was also conducted to the port of Navarrin. Nevertheless all her papers are perfectly conformable to the prescribed rules; as is evident from copies, which have been sent to replace the originals, and addressed to the Council of Prizes to serve as the basis of a definitive judgement—but the charge d'affaire, residing in *Morea*, has nevertheless thought fit to confiscate provisionally the vessel and cargo, without alleging any other motives than those stated in the defence of the *Little John*, and which, we believe, are sufficiently refuted.

It is indeed said: 1st. That the *Nimble* was hailed, and afterwards captured between the islands of Cerigo and Candia, and was steering towards the East, and that the captain, declared he was bound to Smyrna.

2d. That the vessel refused to come to, and that the corsair was obliged to follow her during seven hours, having fired six bullets and grape shot.

3. That the American ports were shut, and no shipments could be made; and there were legal reasons not to give faith to the papers represented by captain Wilson.

This vessel is the property of Messrs. Donnel and McKim, merchants of Baltimore, and citizens of the United States.—The first is also proprietor of all the cargo, which he had consigned to the captain.

It appears, that the vessel was sold for the sum of 16,000 dollars; the cargo for \$8,900, and that deducting all expenses, there was a net proceed of \$8,066, of which we now claim the restitution.

It would be useless to repeat here what has been formerly said in defence of the *Little John*; all the circumstances are the same; and they are so much the more favorable, as that in all the course of the voyage, neither had been visited by a vessel of the enemy. But we cannot be silent concerning the uncommon barbarity with which the commandant of the corsair treated the captains, supercargoes and crews of these vessels. Carried from on board, they were robbed of all their personal effects, even of their clothes. They had, for daily subsistence, only three small herrings each, with a small bit of bread, a little oil and water. Detained in port during several days without being permitted to go ashore,—they were at last transported by sea to some remote place on the borders of the Archipelago, where they were exposed like beings excluded from all human society, without money, clothes, or nourishment. Most of them have since found means to return to the United States, where they have related and published the history of their sufferings.

In a state where navigators permit themselves to exercise such violence.