he admits that pilotage, port duties, and other charges incurred by taking a ship into port to avoid an impending peril, are to be sustained by a general contribution, observes, "that the expence incurred in a port in which a ship has taken refuge during a voyage, by repairing the damage done to the ship by tempest alone seems more justly to fall on the owners, as it is held to do in the civil law, and by many foreign writers," which writers, however, he does not name; and he closes his remarks on this subject by a caution, that the reader is to consider the whole as unsupported by authority, and propounded only for consideration.

Schomberg, author of a treatise on the maritime Law of Rhodes, quoting the portion of that law which applies to this question; observes, that there appears to be something unreasonable in it and that there is much more equity in what he understands to be the rule at present observed, and which requires a contribution for some of the expences incurred in such a case. The modern and approved doctrine on this subject, appears to be, that when a ship *is obliged to go into port to repair*, it is *considered as for the benefit of the whole concern*; that the expencss of what is actually applied to the ship, are to be sustained by the owner, but that all other expences, including unloading and reloading the cargo, anchorage and pilotage, are subjects of general average. Such, I understand, to be the usage in adjusting losses on policies of insurance, and it would be peculiarly injurious to have one mode of adjustment, prevail between the respective owners of ship, cargo and freight, and another rule to obtain between either of those parties and underwriters.

There seems to be evidence that such a mode of adjustment was originally contemplated in this case. The cargo and freight are expressly bound for the payment of the bond, as well as the ship—and an adjustment of the average was made by a broker at *Cork*, which the master brought with him and delivered to the libellants. Upon examination of that statement it appears to me to proceed on just and proper principles, excepting that the owners should be charged with their proportion, or what is put down to account of freight. If either party should request it, a reference will be made to some competent persons, practically skilled in such concerns, to examine that statement minutely with the document on which it is founded, and report their opinion. This not being requested by either of the parties, I proceed to decree, that there is due from the owner of the ship on said bound, to be paid to the libellants the sum of £1051 1s. 7d. stl. being the amount placed to the owners to the account of particular average, and their proportion of general average, according to said statement, to which must be added 99dls. 37cts. the owners proporton of freight, making in the whole 4772dls. 16cts. with costs; and that said ship and appurtenances be sold by the marshal, for the satisfaction of this decree, he giving 7 days notice of the time and place of sale, by advertisment in two or more of the newspapers published in Boston, the surplus, if any, to be paid into the court.

JOHN DAVIS,
Judge of Dist. court, Massachusetts Dist.

CHARLESTON, Nov. 14.

COUNCIL CHAMBER,
NOVEMBER 11, 1805.

On motion, *Resolved*, That Friday, the 29th day of the present month, be set apart as a day of *general thanksgiving*, as a mark of respect, duty and gratitude, towards the Omnipotent Disposer of Events, for the many signal benefits and blessings most graciously conferred upon the good citizens of this place, and for the highly favored situation and conspicuous point of view in which he has been pleased to place this city in regard to health, during the present year, when compared with the unfortunate condition of some of our sister states. The council earnestly recommend it to their fellow-citizens most rigidly to observe it.

Resolved further, That the gentlemen of the clergy in this city be requested by the intendant to afford their generous aid in promoting this religious zeal, by delivering to their respective congregations suitable discourses on that day.

Arrived, ship Fairweather, Wedgery, London, 57 days; *Ceres, Webber, Baltimore*, 4; Pamela, Taylor, Copenhagen, 67; *cordage, &c.*

Captain Searl, of the brig Martha, arrived at Salem, from Cuba. October 3, lat. 31, long. 69, was boarded by a privateer shewing no colors, of 3 guns and 60 men; then ordered him on board the privateer, took his papers, and then ordered him on board his vessel without them, which he refused; they then manned his boat, went on board the Martha, took a spare topmast, all his papers, fowls, onions, &c. and told the mate if he said any thing, they would take a box of sugar. Could not find out what they were or where from.

WILMINGTON, (N. C.) Nov. 5.

Extract from the log-book of the brig Samatan's Hope, John Johnson, master, from Liverpool, to this port.

August 22, at 6 P. M. in lat. 49, 47, N. was brought to by his majesty's ship Brilliant, captain Barry, who sent his boat on board and impressed Jeremiah Brown—at ten returned him. On the 26th was brought to and boarded by the St. Peter privateer, of Bordeaux. Captain Johnson, his mate and crew, except two men, were immediately sent on board the privateer and his brig manned and taken possession of by a part of the crew of the privateer. Captain Johnson shewed the French commander his papers, and made use of every means in his power to shew that his vessel and cargo were American property; to all which the Frenchman replied, "I do not care, the brig and cargo is a lawful prize." In the mean time several of the brig's stores were sent on board the privateer, and goods and arms belonging to the French were sent on board the brig. At 2 o'clock captain Johnson was called into the cabin, and questioned by the captain's clerk, who, having finished interrogating captain Johnson, told him he would do all in his power for him; on which he went on deck, and after talking with the captain about half an hour, they called captain Johnson, and the captain told him, that as the brig's cargo was of little value in France, and he seemingly but a poor man and down hearted, he would make the brig and cargo a present to him. Captain Johnson, his crew, and their effects, were then sent on board his brig in the privateer's boat, and the French crew that had been sent on board the brig returned to the privateer, leaving captain Johnson in possession of the vessel and cargo, with liberty to proceed on his voyage. By the people in the privateer's boat, which was continually going to and fro, the brig was robbed of stores, provisions and every thing else they could lay their hands on that was of any use. October 12, lat. 33, 21, was supplied with provisions by the schooner Citizen, of Philadelphia. On the 24th, at half past 2, P. M. saw the land, the weather thick and foggy, stood to the northward; at 3, A. M. sounded in 6 1-2 fathoms water, and at a quarter past 3, in 4 fathoms, with the land close aboard. Finding the vessel would not work owing to the strong tide and wind and drifting fast upon the shore, we came to anchor with the small bower, and easily kept the pumps sucked, although sticking fast upon the ground. At day light a land breeze set in, and the tide lighted us up; we then tho't proper for the future safety of the vessel to cut the cable and crowd all sail to get off the land, which was fortunately effected. The next day took a pilot, and the day after came to anchor at Fort Johnston, the vessel making a great deal of water.

BY THIS DAY's MAILS.

PHIDADELPHIA, Nov. 26.

It is due to the fair neutral trader, and to the honest American merchant and underwriter, to give publicity to the following extract of a letter from Amsterdam, dated the 12th March, 1805.

"Our East-India Company has in contemplation to sell produce for exportation from Batavia in the year 1806, and to give directions that no other cargoes shall be delivered but those for which she has contracted here. They are to consist of one half of coffee, at 5½ st. India currency; also, one-fourth of sugar, 1⅔; and one-fourth of pepper, 6¼: payable in ready money, when delivered at Batavia.

"The contractors to give bail, that said cargoes, after having touched in America, or elsewhere, shall be sent for sale to this country, for account of the neutral owners; also to give bail that ships shall be sent from America, or other neutral countries, to carry from Batavia the quantities of produce for which each contractor engages on account of neutral persons.

"These are the probable conditions—Some little alterations also in the prices may take place. Our company intends treating finally in some months, giving time that answers may be had from America. Should you incline to have a share of said contracts, we beg to let us have your orders and instructions the first opportunity."

Extract of a letter from Port-au-Prince, dated October 26, 1805.

"Business is dull—no coffee is to be got until the emperor comes here—we expect him daily."

List of vessels.

Ships America, Jones; Connecticut, Sutter; Neptune, Taylor; Mount Vernon, White; Maria, Hews—all of Philadelphia. Brig Hazard, Denny, of Marblehead; sch's *Topas, Kilburne; Spy, Piercy—both of Baltemore*; Julian, Ally, Norfolk; Ruth, Ash, New-York.

Joel Barlow.—As we suspected from the high encomiums which Mr. Jefferson's official Intelligencer lately passed upon this distinguished patriot, he has actually gone on to the seat of government, probably for the purpose of "reaping the reward for his useful labors." We understand that he remained a week or two in this city, but not finding the *air congenial*, he was very little abroad, and few persons knew of his visit until after he had gone.

Arrived, ship William and Mary, Taylor, London, 72 days; sch's Jolly Bacchus, Sherman, St. Pierres, 22; Favorite, Field, Virginia; sloop Ann, Robinson, New-York, 3.

Cleared, brigs Adventure Leigh, Jamaica; Nancy and Katy, Dixey, Havana; sch's Dolphin, Dove, Guadaloupe; Sally, Crabtree, St. Thomas.

NORFOLK, November 21.

Extract of a letter from Barbados, dated Oct. 15th 1805.

"Captain Tobin, who now commands the Princess Charlotte frigate lately captured the Cyenne French corvette; and the Jason frigate has just brought in a fine imperial brig, called the Naied, of 18 guns.—Markets bad—new superfine flour nine dollars per barrel."

Arrived in Hampton Roads, the United States frigate John Adams, capt Shaw, in 49 days from Gibraltar. The purser informs, that lord Nelson has taken the command of the British fleet off Cadiz; and that his instructions were, to make an attempt to destroy the combined flee in Cadiz; which however desperate, if there is a probability of success, there is no doubt, but he will attempt it.

Entered, schr. Thomas Haywood, grenada; Maryland Mary, Howat, Malaga.

Cleared, brig Betsy, Olden, Jamaica; ship Brutus, Pendugrast, Nanz; brig Petersburg Davis, Grenada; Nancy Jennings, Falmouth; India Packet, Rindge, Barbadoes.

FEDERAL GAZETTE.

WEDNESDAY, *NOVEMBER 27.*

The ship America, Bunker, of and from Baltimore, for Trinidad in Cuba, was spoken the 13th instant, in lat. 34, 50, long. 74, 30, out 2 days, all well.

The following letter which we have been favored with, was written just as the last mail was about leaving Norfolk:

"*Norfolk, Nov. 21.*

"A fire broke out this morning in Water-street, and consumed a square of about 20 wooden buildings."

In answer to the polite and flattering invitation of the inhabitants of the precincts of Baltimore, contained in the Evening Post of the 18th instant, and of the editors of the Federal Gazette, in their paper of the 22d, the undersigned offers to gratify the curiosity of the public with an experiment with the *Hydraulic Ram*, capable of shewing its principles, and pointing out its utility. He, in consequence, invites the lovers of arts and useful experiments to call at Mr. Morneweck's Hanseatic Hotel, North Gay-street, where a subscription shall be opened for that purpose.

He moreover offers to those of the subscribers, who would wish to have, in imitation of Mr. Jefferson, such a machine on their houses, to supply them with it, and to indicate with precision the different uses that the machine may be applied to with success; as also to impart to them the information he has received of Mr. Montgolfier, its inventor, and the results that his own numerous experiments, both in France, in the presence of the academy of the city of Nantz, of which he is a member, and in America, at Richmond and Monticello, &c. have furnished him with.

As soon as the number of one hundred subscribers are obtained, the day for the experiment will be made known. The price of the subscription is Five Dollars—Those who desire to attend this experiment are requested to lodge their names at the above-mentioned place, within 15 days of the present date. LAPOYPE.

IMPORTANT.

We are informed from authority which there is no reason to doubt, that orders were sent to lord Nelson by the British government, about the latter end of September, *to attack the combined fleets in Cadiz harbor, as soon as possible, no matter what the result might be.* If so, we may shortly expect news of the first importance from that quarter. [*Telegraphe.*]

Married last evening, by the Rev. Mr. Glendy, Mr. *Larkin Dorsey*, to Miss *Jane Allison*—all of this city.

From the Merchants Coffee-House Books.

November 27.

Arrived, schr. Sally, Coffin, 13 days from Charleston.—Rice & Coffee—Bigelow and Proud.

Also, brig ——, from New-London, and a schooner from Gloucester.

The Pamela, Taylor of this port has arrived at Charleston, from Copenhagen.

The committee appointed to take preparatory steps to the obtaining of subscriptions to the projected *School of Industry*, and the citizens who have been requested to act as solicitors, are invited to meet at the council chamber on Friday, the 29th inst. at 4 o'clock, P. M. This necessary and salutary plan has been already too long postponed—and, perhaps, no period will soon present itself, at which it may be commenced under more favorable circumstances, than the present.

The names of the solicitors are, for

First Ward, north part,

Henry Stouffer, Francis Gillmeyer, Geo. Smith, Anthony Kimmel, George Decker, jun. Richard Seabrook.

First Ward, south part,

Elias Ellicott, John Schultz, Peter Cassat, John Mitchell, Matthew Steene.

Second Ward,

Rev. Francis Beeston, Henry Shroeder, Peter Levering, Dr. John Crawford, Geo. Hoffman, Frederick Hammer.

Third and Fourth Wards,

William Wilson, Philip E. Thomas, Richard Pearse, William Jessop, James Sloan, James M'Cannon, John Hillen, William Gwynn.

Fifth Ward,

William Hawkins, Peter Frick, Mark Pringle, Jacob Myers, Thomas Dixon, Peter Hoffman, junior.

Sixth Ward,

Michael Diffenderffer, Daniel Howland, Samuel M'Kim, Baltzer Shaeffer, David Shields, Henry Craig.

Seventh Ward,

Andrew Buchanan, Robert Stewart, Jacob Miller, Nathaniel Andrews, Christian Myers, John Mackenheimer.

Eighth Ward,

Hezekiah Waters, John Lee, David Burke, Joshua Inloes, Patrick Bennet, Thomas Cole, Dr. Joseph Allender, James Hammond.

Eastern Precincts,

Thomas M'Elderry, Jacob Stansbury, John Kelso, John Bankson, George Kelso, Warwick Price.

Western Precincts,

George Warner, Daniel Lammot, David Forney, William Krebs, Adam Welsh, Daniel Reymond.

The solicitors and committee are respectfully and earnestly requested to attend. The subject to be submitted to them, is of the greatest importance to the School of Industry and to the public.

November 26.

Port of Baltimore.

ENTERED,

Ship Louisiana, Wannell, Liverpool
Schr. Eliza, Ferguson, Norfolk
Sloop Martha, Warner, Martinique

CLEARED,

Ship Fair American, Davis, New-Orleans
Schr. Perseverance, Williams, Barbados

The Citizens of Baltimore

Are respectfully informed,
THAT THE GRAND PANORAMA
OF THE
BATTLE OF LODI
Will remain Open for a few days longer.

☞ The place of exhibition is rendered agreeably warm with stoves, in which fires are constantly kept.

Nov. 26. 3t

Notice.

A meeting of the Maryland Society for promoting useful knowledge, will be held on Friday next, the 29th inst. at 7 o'clock, P. M. at the usual place of meeting, at which time an election of officers for said society, for the ensuing year, will take place.

November 26.

Notice.

If FRANCIS LIGHTFOOT, a native of the county of New-Kent, and formerly a resident of the state of Virginia, be now living, or has any legal heir or descendant living, either in the United States or elsewhere, by applying either in person or by special agent, and producing sufficient evidence of their being such legal descendent to Wm. or Nicholas Lightfoot, of the county of James City, to George or Lightfoot Poindexter, of New-Kent, or to James Poindxter, of Powhatan, will hear of something highly important and much to their advantage.

☞ *The Printers throughout the United States are requested to insert the above twice in their respective papers, and transmit their accounts to the editor of the Enquirer.*

November 26. d2t

Fire Companies.

The committees appointed by the several Fire Companies, relative to a general arrangement for organizing the companies, & to derive advantage from the act of incorporation, are requested to meet at James Bryden's on Thursday, the 28th instant, at 6 o'clock, P. M.

November 26.

Post-Office, Baltimore,

November 25, 1805.

Letters for the British packet Lady Arabella, for Falmouth direct, will be received at this office until a quarter past 7 o'clock, A. M on Monday, the 2d of December next.

CHARLES BURRALL.

P. S. The inland postage to N. York must be paid on all letters for the packet.

Post-Office, Baltimore,

November 25, 1805.

The public are hereby informed, that the Winter Establishment of the Mail upon the main line, will commence at this office on WEDNESDAY, *the 27th instant.*

EASTERN MAIL

Will close at a quarter past 7 o'clock, A. M.
Will arrive at half past 9 o'clock, A. M.

SOUTHERN MAIL

Will close at a quarter past 7 o'clock, A. M.
Will arrive at 9 o'clock, A. M.

Letters for the above mails must be deposited at this office by a quarter past 7 o'clock, A. M. otherwise they cannot be forwarded in the mails of the day; as both these great mails are to be closed previous to the arrival of the southern mail.

CHARLES BURRALL.

The Admirers

OF polite Literature, elegant bindings, and handsomely engraved embellishments, are invited to the Auction Room and Commission Store of Sower and S. Cole, No. 3, Light street, where is exhibited, for inspection, a valuable and beautiful collection of BOOKS, to be sold without reserve THIS EVENING.

Catalogues delivered gratis. Sale to commence at 6 o'clock.

Nov. 27.

Just Received,

IN addition to our assortment of LINENS on hand, per ships General Mercer and Æolus, from Bremen, and schr. Dorothy from N. York,

199 *packages German Linens,*

CONSISTING OF,

1150 pieces Platillas Royals	1200 do. White Rolls
1125 pieces Britannias	34 bales Brown Burlaps
1000 do. Estopillas Unies	8 bales best Ticklenburgs
225 pieces Creas a la Morlaix	25 bales low priced Osnaburgs
230 pieces Dowlas	22 bales Hessians
100 do. Rouans	10 do. Brown Rolls
200 do. Cholets	5 do. twilled Bagging
1200 do. Checks No. 2	1 box White Burlaps and Flaxen.
175 do. Listados	

Also,

7 boxes Glass Ware | 1 box China.

Which they offer for sale very low, and on the usual credit, for approved paper.

HACKEMAN & HOPPE,
Three doors below the Custom-House.

Nov. 7. co12t

Sale by Auction.

TO-MORROW MORNING,

The 28th inst. at 10 o'clock, at the vendue warehouse, at the corner of Second & Frederick-streets, will begin the sale of

Dry Goods, &c.

2 bales superfine mixed and plain Cloths
2 do. Plains and Coatings
4 do. Muslins
2 cases fine Manchester Cords
1 trunk Calicoes
2 cases Silk and Worsted Hosiery
1 do. Brown Holland
3 do. 7-8 wide Irish Linens
3 bales Osnaburgs
4 do. Rose Blankets.

Also,

3 packages Hardware, on 4 months credit.

And at 12 o'clock.

59 hhds. } Of excellent Muscovado Sugar,
8 bbls. }
3 tierces }

Without reserve, on 60 and 90 days credit, for endorsed notes

134 boxes white and brown Havana Sugar.

For cash,

A few barrels of the very first quality Green Coffee

8 pipes of old Lisbon Wine
30 qr. casks English Gun Powder, F. & FF.
1 barrel Battle do. in sealed pound papers
10 casks Bar Lead, 300 wt. each
1 case Fowling pieces
20 boxes of the best Fig Blue,

Also,

A few double Berkley English Cheese.

THOMAS CHASE, Auc't.

November 27.

Sale by Auction.

On FRIDAY MORNING,

The 29th instant, at 10 o'clock, at the auction room, at the head of Gay-street dock will be sold, on account of the underwriters, for cash,

7 bales of damaged OSNABURGS.

LEMMON & CAMPBELL, Auc's.

Nov. 27.

Sale by Auction.

On SATURDAY,

The 30th instant, at 11 o'clock, at Chase's wharf, will be sold on 3, 4 and 6 months credit, for approved endorsed notes,



The Brig
GREENWICH,

Burthen 195 tons. She has been newly sheathed, is well found, and may be sent to sea at a trifling expence. Her inventory may be seen at the auction room.

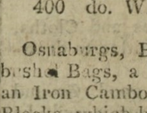
VAN WYCK & DORSEY, Auc's.

Nov. 27.

Sale by Auction.

On SATURDAY,

The 30th inst. at half past 11 o'clock, at Waters's wharf, Fell's-Point, will be sold, on 3, 6 and 9 months, credit for approved indorsed notes,



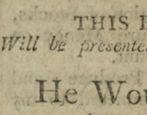
The Ship
PAULINA,

Burthen upwards of 2100 barrels, 7 years old, and built of the best materials. Her inventory may be seen at our counting room.

LEMMON & CAMPBELL, Auc's.

Nov. 27.

For Cork,



The Ship
MARGARET,
S. Elder, Master,

Expected to sail about the 10th of December—For passage apply to

WM. WILSON & SONS.

November 27. co4t

RICE.

153 tierces } PRIME RICE,
21 half do. }

just received per the schooner Sally, captain Coffin, from Charleston, for sale by

BIGELOW & PROUD.

November 27. d4t

Simon Becker

Corner of Pratt and Commerce streets,

Has received per the General Mercer captain Miller, and the Æolus, captain Hindrickson, from Varel,

1000 pieces Bretagnes
700 do. Checks and Stripes
600 do. Checks No. 2
200 do. Platillas Royales
100 do. Brown Holland
100 do. Listados
100 do. Ginghams
400 do. White Rolls,

Also on hand,

Osnaburgs, Brown Rolls, two and three bushel Bags, a Windlass with an Iron Axle, an Iron Camboose-House, and sundry ship Blocks, which he offers for sale on reasonable terms.

Nov. 27. co14t

Baltimore Theatre.

THIS EVENING, Nov. 27,

Will be presented an admired Comedy, in five acts, called

He Would be a Soldier.

(Written by Francis Pilon.)

To which will be added, a Musical Entertainment, in 2 acts, called

The Review;

OR, THE MAN OF ALL TRADES.

November 27

For Sale,

TWO two-story brick HOUSES & LOTS, in fee simple, situated North of Wilks-street, fronting on the East side of Bond-street 30 feet, and running back easterly, parallel with Wilks-street 90 feet. The aforesaid houses are new, and in good repair, and occupied by good tenants. Any person or persons wishing to purchase will have an opportunity of viewing the premises and being informed of the terms by application to the subscriber, who requests all persons to whom he is indebted to render their accounts for payment; and those indebted to him to make immediate payment, as he expects in the ensuing spring to remove to the Western Country.

EZEKIEL HALL.

November 27. d3t

Broke out of the Pasture of

ISAAC PHILIPS and Co. on Friday night last, a black BEEF STEER, that would weigh from 550 to 600 lbs. As he was but lately purchased, any particular marks are not recollected. A reward of five dollars will be given for information, where the steer can be obtained, or seven dollars if brought home.

November 27. eo3t