Sale by Auction.

On SATURDAY,
The 1st August at 11 o'clock, on O'Donnel's wharf, near the head of Frederick street.
Lock, will commence the sale of the brig Ann and Mary's Cargo, Consisting of

120 qr. casks, 50 haif bbls. Of very choice Lisbon 18 half pipes WINE.

7 pipes Spanish Brandy,
3 bales Corks.
THOMAS CHASE, Auct'r. July 30.

Sale by Auction.

On WEDNESDAY, The 5th August, at 5 o'clock in the afternoon, will be sold at the premises, agreeably to terms which will then be made known,

A neat and well finished two-story Brick Dwelling House, situated on Mulberry street near Howard-street, now occupied by Mr. Benbridge, who will give possession the first of September next

THOMAS CHASE, Auct'r. . July 30.

Buffum and Goodhue, No. 84 Bowly's wharf, Have for sale, 30 pipes 1st proof Helland Gin, 10 do Corsica Wine,

25 qr. do. Malaga do. 10 half do. Catalonia do. 8 pipes L. P. Madeira do. 400 boxes Mould Candles, 50 do. Spermaceti do.

50 do. Dipt do.

300 do. Brown SOAP, 150 do white Codfish, 25 tierces Fresh Rice, 15 puncheons 4th proof country Rum, 120 bbls. Fat Mackeral, 12 casks Whale Oil.

250 bags Bengal Sugar, 10 bbls. Frankincense, 30 tons clean Russia Hemp, 75 cases fresh Salad Oil, 30 flasks each, kegs Fresh Raisins, is chests Souchong Tea, 120 bbls. Pork, in excellent order, 25 bags Pimento, 20 boxes Cotton and Wool Cards.

40 bales and cases Madras and Calcutta Goods, consisting of Charcanies, Pepper Cambays, Manila Ginghams, Karakall ditto, St Thomas ditto, Nicanees. Ventipulay, Cuddalore Blues, Sooty Romail, and real Madras H'dk'fs, Beerboom Gurrahs, &c. &c. &c.

This Day is Published, Price 37 1-2 cents, The New Hungarian Broad Sword Exercise.

With the Drill, Motions, Words of Command, &c. delicated to the Volunteer Cavalry of the United States. To be had the stores of Messrs. Conrad, Lucas & Co Messrs Cole, and I. Bonsal, Messrs, Dobbin & Murphy, Market-street, Messes, Dobbin & Mur-phy, Market-street, Messes, Callender and Wells, No. 11, South-street, and at the Print-log Office of S. Barnes; Fell's Point. July 30

A Jeacher Wanted A gentleman, capable of teaching the Enhigh language, Grography, and Arithmetic, and can bring good recommendations, will hear of an advantageous situation, by applying at this Office.

July 30.

d4t

Epaulets, &c. Gold and Silver Epaulets, Silver Cord and Binding, just received and for sale by KIDD & OWEN. July 29.

Wanted a smart, active Barr

Keeper. With good recommendations, to whom liberal wages will be given. Inquire at this Office. July 27. d10t

The United Baltimore Rangers Are requested to meet on the green in front of the Second Presbyterian (Rev Mr. Glendy's) Church, on FRIDAY, the 31st, at 6 o'clock precisely, without arms. It is hoped the members will be punctual in their attendance.

JOHN MCLURE, Captain.

N.B. Gentlemen wishing to join this corps will please attend.

July 30

The Baltimore Republican Draymen Volunteers, are requested to attend on Friday Evening Next, precisely at five o'clock, in the Park, near the Gate, Punctual attendance is requested, as the commit-tee will then report their opinion as to the uniform. All persons desirous of joining this

association are invited to attend.

GEORGE HOWARD, Captain.

Columbian Volunteers, You are requested to assemble for the purpose of drill, with arms at your usual place of parade near the Roman Cathedral, on Saturday Evening next, at 6 o'clock Punctual attendance is requested, as the roll will be called at half past 6 o'clock, precisely, and the absent ses fined. By order,

J. WILSON, Sec'ry. Those Gentlemen who have been elected members and not yet signed the Constitution, and do so; those wishing to join, will give in their names to one of the Officers, or thro' the medium of a friend belonging to the Com-

Maryland Pikemen. The first company of Maryland Pikemen, are requested to meet at Bryden's Ball Room on Saturday next at 8 o'clock P. M. All persons desirous of joining this com-tany are requested to attend. Specimens of the arms and the uniform of the company will be exhibited.

Artillery Notice. The members composing the Fell's-Point Volunteer corps of Artillery—and those gen-tiemen who wish to join the company are re-quested to neet at Mr. John Ellis's twern, on Friday rest, July 31, On business of im-portance relative to the company.

DIXON BROWN. Coptain F. P. V. C. A.

The following report we conceive to be worthy of great attention, not only as containing much of principle as well as general information, but it will be rendered particularly interesting to our readers, from their observing the efforts of an enlightened, magnanimous, mind, in the correct pursuit of justice, and the solid grounds of a correct judgment. What a contrast with the petty vice-admiralty courts in the West-Indies! whose conduct is conspicuous only for an adroitness in raising and magnifying unfounded suspicions, entrapping the neutral with overstrained cases, and seeking pretexts for consigning the innocent and the fraudulent to the [Poulson.] same fate:

This was a case of a ship under American colors, with a cargo of logwood, and about 13,000 dollars on board, bound from the Spanish Main to New Orleans, and captured by the Minerva privateer near the mouth of the River Mississippi. A claim was given under the direction of the American ambaswithin the territory of the United States, at the distance of a mile and a half from the western shore of the principal entrance of the Mississippi, and within view of a post protected by a gun, and where is stationed an officer of the United States."

20th Nov. 1805 - Judgment resumed. Sir William Scott.—This ship was taken with a cargo of logwood and dollars, on a voyage from the Spanish Main o New-Orleans. The destination of the vessel not at all contested; but the seizure was made, as it is expressed in the log-book of the captor, "because there was not any clearance or register on board." These are defects which may, certainly, if unexplained, justify a seizure. If a vessel, pretending to be an American ship, is without a register, and is carrying a cargo without any clearance, those circumstances, if they do not receive a fair and credible explanation, may justify a captor in bringing such a case to adjudi-cation. In this case both these objections are, I think, satisfactorily removed; because the vessel having been a Spanish vessel was therefore not entitled to an American regis ter, and there was a sea-letter or certificate of property on board. The cargo having been taken in upon the *Spanish Main* on a smuggling transaction, could not have a clearance, or any of the formal documents that are usual in ordinary voyages. These circumstances, I have no doubt, were explained by the master, who, in his journal, and on his examination, appears to me to have given a fair representation, without any disposition to aggravate matters of com-plaint against the captors. I can have no doubt that these explanations were given. And there are documents and papers on board, which, relatively to the nature of the transaction, are, I think, abundantly sufficient. There was, therefore, no justifying cause of seizure; for as to what is stated in one of the affidavits, that the master had commanded a Spanish privateer in the last war, it is no more than what he had a perfect right to do. And whether he had, on some former voyage, broken the blockade of St. Domingo or not, is perfectly immaterial to the present case, and can form no part of the considerations upon which the seizure is to be jus-

The ship with the cargo on board was brought to England for adjudication; and t lies on the captor to exonerate himself from the impropriety of this act; because, though the instructions to cruizers give something of a discretion to captors as to the port to which they are to bring their prize, to some convenient port, it is a discretion which must be cautiously exercised. and with sound reason, so as to be justified in the court before which the case is bro't. It would be cause of infinite vexation if neutral vessels taken on slight pretences at so great a distance as the coast of America. were to be dragged across the Atlantic for aidudication; more especially when this country has established courts in the West-Indies, to prevent inconvenient recurrences to this court, and to provide for claimants in that country justice at their own doors, that their commerce may be subject to as little interruptions as possible from the exercises of the rights of war, on the part of this country, in those seas. At the same time there may be circumstances that would justify such a procedure as if a king's ship bound on the public service makes a capture in her course, such a vessel cannot depart from her instructions, but must proceed upon her original destination. That would be a ease of necessity, arising out of the public service, for which states must make allowance reciproacally. But with respect to privateers, I cannot think that any such circumstances as are here set up can be pleaded, as a justifying excuse for such conduct, on their part, it is said, " that the cruize had expired and it was time to come home." To which the answer, is, that they should then have abstained from making any capture when they could not stay to bring the case to adjudication in the proper courts. The crew were mutinous will not do. The owner is answerable for his crew and no legal excuse can be deprived to him from their misconduct. That he had no agent at the Bahamas is equally insufficient; it was his fault that he had not, if a pervenience in the present case, which is, at

pers; but there is more reason to suspect that the real cause of seizure proceeded, not from what she bad not, but from what she bad-the 13,000 dollars which were on board, captors must understand that it is not the value of the cargo, but the want of proof, and the appearance of circumstances as to the property, that should induce a seizure, and that their conduct, in this respect should not be influenced merely by the splendour of a large sum of money appearing in their sight.

When the ship was brought into this

country, a claim was given of a grave na-

ture, alledging a violation of the territory of the United States of America. This great leading fact has very properly been made a matter of much discussion, and charts have been laid before the court to show the place of capture, though with different representations from the adverse parties. The capture was made, it seems, at the mouth of the river Mississippi, and as it is contended in the claim, within the boundaries of the United States. We all know that the rule of law on this subject is " terre diminium finitur. ubi finitur armorum vis," and since the introduction of fire-arms, that distance has usually been recognized to be about three miles from the shore. But it so happens in this case, that a question arises as to what is to be deemed the shore, since there are a number of little mud islands, composed of earth and trees drifted down by the river, which form a kind of portico to the mainland. It is contended that these are not to be considered as any part of the territory of America; that they are a sort of " no mans land," not of consistency enough to support the purposes of life, uninhabited. and restored to only for shooting and taking bird's nests. It is argued that the line of former Spanish possessors. I am of a different opinion; I think that the protection of territory is to be reckoned from these islands; and that they are the natural appendages of the coast on which they border, and from which indeed they are formed. Their elements are derived immediately from the territory, and on the principle of alluvium and increment, on which so much is to be found in the books of law, Quod vis fluminis de tuo prædia detraxerit, et vicino prædio attulerit, palam tuum remanet, even if it had been carried over to an adjoining territory. Consider what the consequence would be if lands of this description were not considered as appendant to the main land and as comprised within the bounds of territory. If they do not belong to the U.S. of America, any other power might occupy them, they might be embanked & fortified. What a thorn would this be in the side of America! It is physically possible at least that they might be so occupied by European nations, and then the command of the river would be no longer in America, but in such settlements. The possibility of such a consequence is enough to expose the fallacy of any arguments that care addressed to show, that these islands are not to be considered as part of the territories of America. Whether they are composed of earth or solid rock, will not vary the right of d minion, for the right of dominion does not depend upon the texture of the soil.

1 am of opinion that the right of territory is to be reck ned from those islands. That being established, it is not denied that the actual capture took place within the distance I three miles from the islands, and at the very threshold of the river. But it is said that the act of capture is to be carried back to the commencement of the pursuit, and that if a contest begins before, it is lawful for a belligerent cruiser to follow and to seize his prize within the territory of a neutral state—and the authority of Bynkershoek is cited on this point. True it is that great man does intimate an opinion of his own to that effect; but with many qualifications, and as an opinion which he did not find to have been adopted by any other writers. I confess I should have been inclined to have gone along with him, to this extent, that if a cruizer, which had before acted in a manner entirely unexceptionable, and free from all violation of territory had summoned a vessel to submit to examination and search, and that vessel had fled to such places as these, entirely uninhabited, and the cruizer had without injury or annoyance to any person whatever, quietly taken possession of his prey, it would be stretching the point two hardly against the captor, to say that on this account only it should be held an illegal capture. If nothing objec-tionable bad appeared in the conduct of the captors before, the mere following to such a place as this is, would, I think, not in-

validate a seizure otherwise just and lawful. But that brings me to a part of the case, on which I am of opinion that the privateer has laid herself open to great reprehension. Captors must understand that they son sends out a privateer to cruize in the A- are not to station themselves in the mouth of merican seas it becomes his duty to appoint a neutral river, for the purpose of exercisagents in some of the neighboring ports, to | ing the rights of war from that river, much which the law requires, that prizes taken in less in the very river itself. It appears from that part of the wourld should be bro't to ad- the privateers own log-book that this vessel judication. The commission of this precaution has done both; and as to any attempt to has evidently been a cause of great incon- shelter this conduct under the example of king's ships, which I do not believe, and most, a case of further proof, and in which, which if true, would be no justification to when an order for further proof had been made, others, captors must, I say be admothe claimant would have been entitled to his nished that the practice is altogether indeproperty on bail, and would have gone fensible, and that if king's ships should be about his business; indeed, I cannot but guilty of such misconduct they would be as think that the court would more probably much subject to censure as other cruizers. have decreed immediate restitution. In- It is unnecessary to go over all the entries in stead of that easy course, the ship and car- the log. The captors appear, by their own go are brought to a distant part of the world, description to have been standing off and on, for the mere chance of an order for further | obtaining information at the Balis; over-

vient to the purposes of war as if it was a river of their own country. This is an inconvenience which the states of America are called upon to resist, and which this court is bound on every principle to discourage and corect. With respect to one vessel, it appears that the Bilboa, under Spanish colors and an undoubted Spanish ship, had been captured and carried into the river, and it was stated in an affidavit which was exhibited to account for the absence of the usual witnesses in that case that the prisoners had escaped. The cause was brought unon the evidence of the releasing witnesses under this representation. It now appears by an entry in this log, " that the prisoners were seton shore"; an act highly unjustifiable in its own nature, independent of the deception with which it has been accompanied.

. The prisoners are the king's prisoners, and captors are particularly enjoined by the instructions (a) not to release any prisoners belonging to the ships of the enemy, and they violate their duty whenever they do. When I advert to the imposition that has been put upon the court in that transaction, how can I trust myself to any representation coming from the same persons. Indeed, I think, I can perceive strong traits of bad faith running throughout the whole conduct of the captors in the present case. In answer to the complaint that has been made against the captors for bringing this prize to England, it was said, that it was done at the desire of the master of the captured vessel; though, in the affidavit of the master, which is not contradicted, it is sworn, " that the captors offered to set him on shore, but that he refused to be separated from his cargo. The conduct of the captors has, on all points been highly reprehensible. Looking to all the circumst nees of previous misconduct, territory is to be taken only from the Balise, I feel myself bound to pronounce, that there which is a fort raised on made land by the has been a violation of territory, and that, as to the question of property, there was not sufficient ground of seizure; and that these acts of misconduct have been further aggravated, by bringing the vessel to England, without any necessity that can justify such a measure. In such a case it would be falling short of the justice due to the violated rights of America, and to the individuals who have sustained injury by such misconduct, if I did not follow up the restitution which has passed on the former day, with a decree of costs and damages.

> (a) "Whereas it has been represented to us, that either through misapprehension of or in disobedience to the true intent and meaning of the tenth article of our instructions, respectively bearing date the 17th of May, 1803, and the 16th of June, 1803; the captains or commanding officers of ships having letters of marque and reprisals, have landed their prisoners either at ports where no depots for the reception of prisoners of war are established, or have otherwise neglected to deliver them over to persons appointed in the sea-port towns to have charge of the prisoners: We, taking the premises into consideration, and apprehending the great inconvenience therefrom to the public rvice, do hereby strictly direct and enjoin all captains and commanding officers of ships and vessels having letters of marque and reprisals, that they do carry all prisoners taken on board any prizes, to ports at which, there are or shall be established depots for the reception of prisoners of war, there to deliver over such prisoners to the agents appointed by our commissioners of transports, or to such other person as shall be duly appointed to receive and take charge of prisoners of war; and that no commander or any officer of any ship or vessel having a letter of marque and reprisal, do presume upon any pretence whatever, to land, release or deliver over any prisoners of war at any other place, or in any other manner than as

> The Editor takes this opportunity of suggesting, as a piece of information that may be of important use to gentlemen, with whom the proceedings in prize causes necessarily commence (the commanders and cruizers of all descriptions in the naval service of the country) that it is not an unfrequent cause of dissatisfaction with the court, that those who have the management and control over captured vessels, omit in many instances to attend to the duty enjoined by the general law, and promulged in a declaratory form in these instructions, with respect to the custody of prisoners in general. The effect of this omission is more felt, as it counteracts the ancient and almost fundamental rule of prize proceedings, which requires that the master of the captured vessel, whether an enemy or neutral, should be brought in for examination. The court has invariably withheld its sentence of condemnation, even in the clearest cases, where this omission has appeared, until it has been supplied or accounted for in a satisfactory manner. The inevitable consequence of such neglect must be, in all cases where it occurs, to retard the benefit that may otherwise be expected to result from the capture.

BY THIS DAY'S MAILS.

DRESDEN, May 13. Reports of arrangements for negociations for a general peace continue. The French shew constantly their wish to negociate.

WARSAW, May 17. The last letters from Konigsberg, inform us, that city is in a most deplorable situation that provisions are so scarce that the inhabitants are in danger of starvation.

BANKS of the MAINE, May 19. According to a German gazette, the Magnates of Hungary have declared to the states that they were obliged to demand of the emperor of Austria a new constitution, which should be more adapted to the present times and circumstances, and which the class of burghers and that of the peasantry have for a long time ardently desired.

We have received by the way of Turkey,

news that the Russian army stationed on the frontiers of Persia, have thrown up formiproof. The ship is recorded on the log | handing vessels in their course down the ri- dable intrenchments upon the mountains of | cents we presume) will not remain long at

THE ANNA LA PORTE, book to have been seized for defect of pa- | ver, and making the river as much subser. Caucasus, which separate Persia from the Russian empire-which shews that they intended to keep on the defensive. It appears that they have not a numerous army. The that they have not a numerous army. The Russians are at the same time making arrangements to protect the Crimea and the other southern provinces of Russia against every attack. It is said that the levy has been ordered in Russia of the Tartars, Kalmucks, Baskins, Kirgises, and other barbar-ous nations; but it is to be presumed that this levy will not produce the effect which the government expects from it.

> BORDERS OF THE INN, May 18. The greatest tranquility reigns in our country. There are on the banks of the Inn between three and four thousand Austrians. The garrison of Brannau has not been reinforced as it was reported: the troops that have arrived there are to replace the 8d French regiment, which has received orders to join the grand army.

> CONSTANTINOPLE, April 24.
> Intelligence has been received, but which is not entitled to much credit, that the Russian fleet has left Tenedos. Other intelligence, more authentic, states that admiral Craigh, has appeared before Salonica, and demanded the surrender of that place, as well as a contribution of 900,000 durats. be levied on French property. He has declared in case of non-compliance withthis demand, that he will bombard the city. The pacha has demanded instructions of the porte-the answers received are in unison with that system of vigor, adopted by the Ottoman minister some time since.

> AUGSBURG, May 25. The letters from this place and Munich continue to encourage hopes of a peace which has been generated in Austria and of a congress, which, it is said, will assemble in Bohemia. Letters from other parts of Germany are, however, for some days past less

NUREMBURG, May 26. The mission of the Swedish general count Vieden, in Pomerania, is said to begin direct negociations with the French minister ther We have reason to believe that he will be

successful. HAMBURG, May 27. The political situation of Mecklerburg and Swedish Pomerania is still the same.

Mr. Bourgoing, aid de-camp to snarshal

Brune went to Stralsund, with dispatches for the governor general Barron Essen. He has been there presented to the king, who received him with great distinction; we still hope that the differences between France and Sweden will be soon at an end. There is not one detachment of foreign troops in Pomerania. The conditions of the armistice are strictly observed.

COPENHAGEN, May 23. On the 18th of this month an English brig having dispatches on board, arrived in the Sound, and proceded on her voyage to the Baltic. On the same day a convoy from London entered the Sound, under the escent. of an armed-brig and two sloops. It is said that an English general is on board one of these vessels. A convoy of transports was, according to the accounts of the English crews, to arrive immediately in the Sound, but there were no news of it on the 21st .-According to some accounts, an expedition convoyed by several vessels of war, was to set out from Yarmouth on the 24th of this

STUTGARD, May 28. A new treaty of commerce has just been concluded between Russia and England. By letters from Smyrna, we learn, that all vessels from the islands of the rchipelago, bound to Constantinople, are obliged by the fleet of admiral Starting, to return. Vessels-from the coast of the Black Sea, and the ports of Natolia, are likewise stopped by the Russian vessels of war, which cruize in the entrance of the Bosphorus. The English which have landed at lexandria, have laid an embargo upon all Turkish vessels; the result of which is an immediate suspension of intercourse between Constantinople and the different ports from which she derives.

her provisions. PARIS. May 26.

The operations preparatory to the levy of 1808 are every where made with promptitude and regularity, which promises the most happy results. The young men have testified a devotion and a confidence without bounds. In a great number of cantons the draughts was followed by feasts, at which the gaity of the conscripts designated was particularly remarked. The number of absentees, not considerable in former years, is this year still less. One of the causes which will contribute

most powerly to the success of this levy, is the severity which the tribunals have shewn, for some months against all those agents of corruption, those sharpers of every description, who pretending an imaginary influence, have made shameful speculations on the exemptions of the conscripts, and have laid under contribution the credulity of families.

May 29.

Letters from Semlin, dated May 7, state, " according to the latest news from Semendria, there has been a very murderous and important action in the environs of Gladown, between the troops of Melenko-Stoik, gen. of the Servians, and Kosanzi-Ali, the Ottoman general. The Turks after a vigorous resistance, have been defeated and pursued to Gladown, where they are so surrounded that they cannot avoid being taken ; their loss is estimated at 3000 men killed and taken prisoners."

The English general Hutchinson is at Bartenstein, near the emperor of Russia and king of Prussia.

June 2. It is asserted that the court of Vienna has invited in the most pressing manner that of London to send plenipotentiaries to the congress which it is presumed will be held, to treat of the affairs of Europe and to establish a general peace—it is believed that the baron of St. Vincents, (Lord St. Vin-