FEDERAL GAZETTE, AND BALTIMORE DAILY ADVERTISER.

MAY 19, 1808.

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All advertisements appear in both papers.

Sale by Auction
OF
CHINA GOODS.

On FRIDAY,
The 20th instant, at 10 o'clock, at the vendue warehouse at the corner of Second and Frederick-streets, will commence the sale of
The Entire CARGO of the Baltimore East-India Company's ship William Bingham, John Cunningham, master from Canton, consisting of the following articles

80 qr chests	Bohea	TEAS of a very superior quality.
50	Campoy	
50	Souchong	
276	Hyson Skin	
422 boxes	do.	
7 qr chests	Young Hyson	
63 boxes	do.	
400 qr. chests	Hyson	
480 cannister	do.	
42 qr. chests	Imperial	
245 boxes	do.	
1080 cannisters	do.	

2700 bales Short Yellow Nankeens
300 do. Company long do.
400 do. Blue do
27 cases Silks, Satins, and Velvets,
7 do. Sewing Silks.
2 do Handkerchiefs.
2710 packages of Cassia,
333 boxes China, assorted.

The terms, which will be liberal, will be made known at the time of sale and the goods exposed to view two days previous thereto, when printed lists, specifying each lot, will be delivered.

THOMAS CHASE, Auct'r.
may 11.

Sale by Auction—*Postponed.*

The 23,344 acres of Land, in the state of Virginia, advertised by Josiah Pennington and Nicholas Brice, esqrs for sale on Saturday last, the 14th instant, was unavoidably postponed to Thursday the 2d of June, at half past 11 o'clock, at the Vendue Warehouse at the corner of Second & Frederick streets: where the plat and title papers are deposited for the inspection of those inclined to purchase.

THOMAS CHASE, Auc'r.
may 16.

Liverpool Salt

3000 bushels Ground Allum Salt,
3000 do Fine do.
For sale on accommodating terms by
KENT & BROWNE.
Who have on hand,
A quantity of Rye Whiskey, Apple and Peach Brandy, Country Gin, &c.
may 13. d6t-eo6t

John and James Roberts,

230, MARKET STREET,
Have just received and offer for sale on reasonable terms,
20 bales India Goods;
Consisting of
Gurrahs, Luckipore and Jugdea, Baftas, Jaunletty and Jallapore Mamoody, Checks & Caradarries.
may 6 d20t

G. F. & J. Lindenberger,

No. 200, Baltimore-street, opposite the Indian Queen Tavern,
Have received by the John Adams, from Liverpool, a complete and general assortment of
CUTLERY, &c. &c. &c.
Also on hand,
Tin in boxes,
Iron Wire,
Anvils and Vices,
Spades and Shovels,
Weeding and Hilling Hoes,
Frying Pans,
London and Bristol Pewter,
White Lead in Oil, of a superior quality,
Pinns, assorted in small boxes,
Cradling and Grass Scythes,
Syckles,
Guns in cases,
Mill, Cross-Cut and Pitt Saws, together with an extensive assortment of *Hardware, Saddlery, Brass* and *Japanned Ware*, which they will sell low for cash, town notes, or to punctual men at six months credit.
N. B. By the Dumfries, or Philip (daily expected from Liverpool) they will receive a further supply. April 6 d

Armour and Jenkins,

No. 52, SOUTH-STREET,
Have on hand, for sale, from last Fall's importations, a general assortment of
SADDLERY,
Consisting of
TINED, POLISHED & PLATED *ARTICLES,*
In that line, with a good assortment of *Straining, and Girth WEBS.*
ALSO,
A quantity of Plated and Brass Mountings, for Coach and Gig Harness of handsome Patterns.
And just received,
A large quantity of fine New-England Hogskins, which, with all other kinds of Saddlers LEATHER, they offer for sale, on the most reasonable terms.
may 10. d2w-eo2w

Union Bank of Maryland,

9th May, 1808
NOTICE IS HEREBY GIVEN TO THE STOCKHOLDERS,
That an Election for Sixteen Directors will be held at their NEW banking-house, on *Tuesday*, the 5th July next, at nine o'clock in the morning, and continue until three o'clock in the afternoon.
By order of the Board of Directors,
R. HIGINBOTHOM, Cashier.
N. B. By the act of incorporation, not more than eleven of the present board are eligible for the ensuing year.
☞ The Editors of the Easton Star, the Fredericktown Herald, and the Elizabethtown Gazette, are requested to publish the above once a week for six weeks, and forward their accounts for payment.
may 9.

The Subscribers

Have on hand a very elegant assortment of
East-India, German
AND
BRITISH GOODS,
Which they offer for sale for cash, or acceptances in town, at No. 143, next door to the corner of Baltimore and Calvert streets,
Among which are,
The following Articles:—
Short Nankeens
Long Do.
Blue Do.
Black and Changeable Senshaws
Gurrahs, Cossas, Emerties, Mamoodies, Baftas and Sannas,
Romal, Madrass and Bandanna H'dkfs.
White and Brown Ticklenburg,
Burlaps and Brown Hempens,
Hessians, White & Brown Rolls,
Brown Platillas, Dowlas and Bretagnes,
Fine and Superfine Blue and Scarlet Cloth,
An Elegant assortment of Prints,
Dimities,
9-8 & 6-4 White and Black Cambric Muslin,
Linen Cambric
Lenо and Book Muslin,
Men's and Women's Cotton Hose (plain & Lace Clock.)
Irish Linen and Shirting Cotton.
7 8 and 6-4 Linen and Cotton Checks,
Threads and Sewing Cottons in bales,
Russia and Irish Sheeting.
Ravens Duck and Diaper.
JNO C. RICHARDS & CO.
april 27. d30t

G. F. and J. Lindenberger,

No. 200, Baltimore-street, opposite the Indian Queen Tavern,
Have received by the Dumfries, from Liverpool, in addition to their importations this season, an extensive assortment of
Cutlery, Hardware, etc. etc.
may 9 d

John & James Roberts,

No 230, MARKET-STREET,
Have on hand, and offer for sale on reasonable terms, by the Package or Piece,
2 boxes 4-4 Irish Linen,
3 do. 7-8 do. do.
4 do. 4 4 very fine do do.
12 bales Russia Sheating,
7 bales fine Flannels,
3 trunks Calicoes,
1 bale Superfine Cloths,
1 case 7-8 superfine Black Cambrick Muslins,
1 do. Cotton Chambray,
3 trunks 6-4 and 4-4 Cambric Muslins.
ALSO,
3-4 Brown Irish Linen, Dimities, India Muslins,
Green Senshaws and Lutestrings,
Searsuckers,
Constitution Cord. Velvet, Marseilles, Quilting, &c &c.
Just Received,
A quantity of Young Hyson and Hyson Skin Tea, in quarter chests and boxes, which will be disposed of low for cash, or on a short credit. may 4. d20t

Stewart, Montgomery and Co.

Have for sale on reasonable terms,
A quantity of Earthen-ware,
in crates, and a few packages of
Manchestry,
Of this Spring's importation.
Also on hand a general assortment of
Dry Goods.
april 23 d

A handsome well finished

Family COACH, will be sold low, or bartered for a one horse Jersey Waggon, or a good Gig; apply at Nathan Hussey's Tavern, N. Howard street.
may 16. d4t

United States of America,

DISTCICT OF MARYLAND, SS.
District Court, May 17th, 1808.
Whereas an information has been filed, in the District court of the United States, for the district of Maryland, by John Stephen, Esqr attorney for the same, against a certain schooner, or vessel, called "the Morning Star" her tackle, apparel and furniture, praying a condemnation of the same, according to Law, for violating the provisons of the act of Congress of the United States, entitled "an act for enrolling and licencing ships or vessels to be employed in the Coasting Trade & Fisheries, and for regulating the same; And whereas, the honorable James Houston, judge of said Court, hath ordered and directed Tuesday the 7th day of June next, at 10 o'clock in the forenoon of the same day, for holding a district court, at the court house, in the city of Baltimore, for the trial of the premises, agreeably to the prayer of the said attorney:
Notice is hereby given,
That a District Court will be then and there held, for said trial, and the owner or owners, & all persons who may have any interest therein, are hereby cited to shew cause, if any they have, why a final determination should not pass
By order of the judge.
PHILIP MOORE, Clerk.
may 17. d14t

United States of America,

District of Maryland, ss.
Whereas an information hath been filed in the District Court of the United States, for Maryland District, by John Stephen, esq. attorney for the same, against eight hhds. of Sugar, which were brought and imported in and on board a certain sloop called "Sally," of the District of Snowhill, from a foreign port or place, to wit, from Martinico, in the West Indies, into the District of Snowhill, and were afterwards to wit, on the fifteenth day of March, in the year 1808, at the district aforesaid, unladen and delivered from the said sloop, without a permit from the collector for such unlading and delivery, praying condemnation of the same, according to law: And whereas the honorable James Houston, Judge of the said District Court, hath ordered and Directed Tuesday the 7th day of June next, at ten o'clock in the forenoon of the same day, for holding a court, at the court house, in the city of Baltimore, for said trial agreeably to the prayer of said Attorney.
Notice is hereby given,
That a District Court will then and there be held for the trial of the premises and the owner or owners, and all persons who may have any claim or interest therein, are hereby cited to be and appear, at the time and place aforesaid, to shew cause if any they have, why a final determination should not pass.
By order of the Judge.
PHILIP MOORE, C. D. C.
may 18. d14t

Wm. Vance,

LOVELY-LANE,
Has on hand,
A few sets Cut Glass, 10 by 8, and 12 by 10 Bristol Crown Glass, Hare's Patent Oil Cloth Carpets, Grindstones, Liverpool Black Bottles, St Domingo Mahogany, &c. which will be sold low to close sales.
may 17 d4t

Rum, Brandy and Wine.

14 hhds Monserat Rum,
20 pipes Cogniac Brandy,
2 1-2 do. London particular Madeira Wine,
150 Demijohns,
34 tons clean Russia Hemp,
36 hhds New-England Rum, for sale.
Apply to
JOHN RANDALL,
95, Bowly's wharf.
May 18. d4t

Isaac M'Pherson,

No. 30, Fayette street,
Has lately imported and now offers for sale,
A large and good assortment of
BOLTING CLOTHS,
Warranted to be of the first quality.
Continues to make Burr Mill Stones, and has plenty of good materials and hands to execute orders at short notice.
PLAISTER of PARIS in the stone ground for land, and prepared Plaistering.
Has established a factory of Cut Nails, where all sizes may be had at short notice and on reasonable terms.
A few good hands wanted to head Nails.
2aw

To Country Merchants

The subscribers offer for sale a very extensive assortment of low priced
CHIP, LEGHORN AND SPLIT STRAW
Bonnets and Hats;
ALSO,
A general assortment of
Dry Goods.
All of which will be sold at the most reduced prices, wholesale and retail.
CHRISTOPHER ARMAT & CO.
Sign of the Sun, No 111, Marketstreet.
april 22. 2aw

Best Pickling Vinegar.

The subscriber, No 49, North Howard-street constantly keeps the
Best Pickling Vinegar:
And has on hand, upwards of 80 0 gallons, which he will sell by the hhd bbl. or retail at the most reduced prices
WM. J. ALCOCK.
N. B If the Vinegar does not make good Pickles, the money will be refunded, unless they are spoiled previous to its application.
may 16. 2aw4t||

CAUTION.

The public are cautioned against a certain genteely dressed foreigner, who is in the practice, after candle light, of calling at the different stores then open, under pretence of hunting for American Dollars; when you are trying to accommodate him, he will by some means or other, slip into his pockets one or two Spanish Dollars; and if in the way, he is not backward in pocketing Bank Notes.—This notice is given by one who has been an eye witness, and in order that the public may be upon their guard.
may 17. d4t

For Sale, or Hire,

A Negro MAN, accustomed to cooking and house work. Inquire at this office.
may 18 d

Notice.

The Commissioners of the Tax for the City of Baltimore have met, and sit every morning at 10 o'clock, at the Baltimore Fire Insurance Office, No. 6, South-street; where they will again meet to-morrow and Friday, and no longer. All persons having business to transact with them, are requested to take notice accordingly. By order,
THEOPHILUS F. DOUGHERTY, Clk
may 18 2t

A Reward of Five Dollars

Will be given to any person who has found and will bring to this Office, A BREAST PIN, lost on Monday last, between Market and Pratt streets; it is of an oblong shape, with pearl set around chrystal, it contains no hair.
April 18. d2t

Harper's Artillerists.

The members of this company are requested to meet at the precincts market house, on THURSDAY evening next, at 4 o'clock, without uniform, but with side arms. It is to be distinctly understood that the company is to meet every Saturday Afternoon, at Howard's Park, at 4 o'clock in complete uniform. The fines for non attendance, or for not appearing in complete uniform, on that day, will be rigidly enforced.
By order
JOHN E. HALL, Sec'ry.
may 16.

Attention!

The BLUES, are ordered to meet on Saturday next, at half past 3 o'clock, on Lindenberger's Lot, with arms and in complete uniform with white jean pantaloons.
The Roll will be called at four and all absences fined; at 7 o'clock the company to meet at Peck's Hotel, to determine on a Constitution to be then sumbitted: in the mean time and on that day, all the members who wish to be supplied with muskets contracted for at Philadelphia, will leave their names at my quarters, as no more will be taken than shall be subscribed for.
HENRY MILLER, Capt.
may 17. d4t

Baltimore Volunteer Artillery

COMPANY.
You are ordered to attend at the Gun-house on Thursday next, 19th inst. at half past two o'clock, P M. in common dress, with side arms. Roll call at 3 o'clock, and absentees fined.
By order of capt.
THOMAS FINLEY, Sec'ry.
may 17.

FELLS POINT
Mechanical Volunteers,

You will meet at the Captain's quarters on Thursday 19th inst. at 2 o'clock, in Common dress, with arms and accoutrements.
By order,
JAMES CORNER, Sec'ry.

Eagle Artillery Company.

The members of the Eagle Artillery Company are ordered to meet at their usual place on FRIDAY, the 20th instant, at 3 o'clock, in complete uniform.
By order of the Captain,
JOHN TYLER, Sec'ry.
may 18

EFFECTS OF THE EMBARGO.

IMPORTANT CASE.
In the Superiour court, in enquiry, before Judge Charlton.
Exparte—PAUL GRIMBALL, *Complainant*

This was a bill in equity, stating, that several judgments had been obtained at law against the complainant (Paul Grimball) for near 5000 dollars while he had a judgment in his favour for 8000 dollars suspended by an appeal; that executions had been issued against him, and a sale threatened, which if it took place, would prove ruinous to the complainant, inasmuch as near double the property would be sacrificed now, at a forced sale, which it would have required only four months ago to pay these judgments; and praying an injunction to delay any further proceedings at law for the present.

The case was argued on the seventh instant, LEAKE, the complainant's solicitor, stated, that the bill sought relief on two grounds—

1st, Equity will relieve on grounds of publick utility or convenience:

Because a national measure [the embargo acts] ought not to produce individual ruin, when this court can prevent it.

2d. Equity ought to relieve, from the peculiar situation of the party.

Because the somplainant was deprived at law of a rightful advantage.

Lawson and Stiles, for plaintiffs in execution opposed the injunction principally on the ground, that it could not issue from the apprehensions of the party; that no levy or sale was yet ordered; and that the complainant ought to give security before the relief prayed for could be obtained.

Upon which, his honour pronounced the following decree:

GEORGIA, CHATHAM COUNTY,
Superior Court, April 8, 1808.
EXPARTE, PAUL GRIMBALL—IN EQUITY.
By Judge Charlton.

The complainant in this bill, states, that executions have been issued against his property, and a levy and sale menaced; that if a sale is made by the sheriff, at this time, when the pecuniary embarrassments, occasioned by the embargo acts are so general and distressing, it will involve him in ruin, as no price, or a fair price can be obtained for his property, and that he has no other means of paying his debts.

Upon these grounds, he applies to the chancery side of this court, for the writ of injunction to restrain a sale under these executions. I shall not bottom a decision upon the peculiar circumstances of *this case* only, or as a particular case, involving such features of hardships and oppression, as render necessary, the interposition, of this branch of the court. On the contrary, I shall view this as a case in which *all our citizens* are interested, and as calculated to establish a precedent for the general benefit.

I ask the question:—is it not against *equity and conscience*—is it not in the highest degree oppressive, to compel the sheriff to obey the mandate of a writ of execution, when the facts are before the whole public, that the sale of produce, in its usual course of traffick is suspended, or bought up by monied men from the necessitous planter for a song. Fram the planter, who must *sacrifice* his crops to prevent a *greater sacrifice*—who must sell to obtain provisions (if a cotton planter) for his negroes and necessaries for his family—who must sell for this song, to prevent his negroes (a more valuable property, and upon whose uninterrupted labour and increase, the future support of himself and children depends) being knocked off under the hammer of the sheriff, at a price for less than one half their cash value? Is this picture overcharged? Is it not rather a correct delineation of the distresses of the agricultural interest at this moment? If it is, then relief ought some where to be found.

It has been, and is at this hour, a subject of sufficient magnitude, to require one of the extraordinary meetings of the legislature which the constitution authorizes. But, until a legislative suspension of sales is given to the people, cannot relief be afforded by this court.

I have given to the powers with which the law and the constitution have invested me their full deliberation: and though I do not possess all the powers of a lord chancellor, because by our local system, the interposition of a jury is required in equity cases, yet that system cannot, and does not interfere with these matters in chancery, which in their nature must be exclusively referred to the discretion of the court.—Of this nature, I consider the application for the writs of injunction.

AN INJUNCTION *is a prohibitary writ restraining a person from committing or doing a thing which appears to be against equity and conscience.*

This is the simple definition given by one of the elementary compilers, and it is sufficiently comprehensive for me to adopt it.

The principle use made of this writ is, to restrain some rigorous proceedings at law.

I shall then consider whether a sale by the sheriff at this crisis of our national affairs, big with calamities, as I have described, to the agricultural interest, should be restrained as a rigorous proceeding at law—and as a proceeding against equity and conscience.

1st. Is it a rigorous proceeding in law? An execution is the last stage of our common law proceedings. It places the person, or the property of the defendant, at the mercy of the judgment of the creditor, who may make his election. I am speaking of the execution, of which nothing can be alledged in chancery against its parent judgment. Of this nature are the executions before us; and they assume the appellation of rigorous proceedings, because there is no remedy at law, and unless a remedy is found some where, RUIN stares the defendant in the face; a ruin not brought on himself by a want of probity, or of property in his possession; exceeding probably ten times, at a cash valuation, the amount contained in the executions, but a ruin brought down upon him by a *necessary measure* of the national legislature and government, which unfortunately obstructed the channels through which he had been accustomed to pay his debts, probably with punctuality.

2d. Is it a proceeding against equity and conscience?

This is the broad basis of the writ of injunction.

It is admitted by both sides that no remedy can be had at common law. When we resort to law, it is expected that PRECEDENTS will have their full weight of authority; and though precedents may militate with that justice which the peculiar circumstances of a particular case may require, yet, for the sake of general and uniform rules a judge will seldom deviate from an established and settled principle to accommodate the circumstances of one case, however strong the reasons may be to exempt it from the operation of precedent.

In the case of Doe *v.* Pott, 2 Dougl. 120, Lord Mansfield is reported to have said, "the absurdity of Lord Lincoln's case is shocking; however, it is now law." This observation of his lordship, may be selected as the most strongly illustrative of the authority given by common law judges to precedent.

A court of inquiry is not so trammelled. It is governed by uniform rules of evidence, and a respect is evinced in that jurisdiction for precedents, yet they are seldom permitted to stand in the way of the particular circumstances of each case.

A lord chancellor of Great Britain is almost as omnipotent as parliament. Give him him but a strong hold on an equitable principle, and he will be sure to substitute the *intention* of an act of parliament for its *letter;* he will push aside precedent for abstract honesty. What are the many cases in the equity reports, on the statutes of frauds and perjuries, but indirect repeals of the plain and literal requisites of that all-important statute?

It is only necessary to advert to the nature of law and equity to account for the latitude of power given to the latter.

The LAW is stubborn and unbending. It marks out for itself a course from which no fascinations can allure—no obstacles impede.

It neither looks to the right nor to the left. It neither relents nor forgives. It issues its mandates, and will be obeyed. It takes into view no consequences.

Fiat justitia, is its maxim, whether contemplating its operation upon a nation or an individual.

We perceive at once, that such should be the nature and effects of law, they necessarily result from that indiscriminating and eternal justice upon which the common law is founded.

Our ancestors felt, as we have felt after them the necessity of some tribunal, armed with the attribute of alleviating the inexorableness of the law. This tribunal is called a court of equity, whose decisions are guided by the particular circumstances of each case.

This court of equity lends mercy to the law, and steps in as a kind of mediator between rigid justice, as established by the artificial institutions of society, and that justice which traces its origin to the laws of nature and of God.

In cases like these before me, the law places every thing at your disposal. It holds out to you the means of rioting upon the spoils of your neighbor, your debtor, or the community.

The nation, in order to redress itself for outrages on its sacred rights, imposes distresses on its own citizens. These distresses are the deprivation of those means which heretofore poured wealth or competence into the lap of the planter.

His ostensible wealth is, however, now the same. He shews you his cotton, his rice and his negroes. He proves to you that his property has even greatly accumulated since he engaged to pay you your debt; but to pay that debt *now*, he tells you he is unable, unless a sale is directed by the sheriff, the consequence of which would be a payment to you of four fold; for a sale of his property now would amount to a diminution of quadruple its intrinsic and just value, and in that ratio less than it would have sold for at market previous to the embargo.

How immense, and at the same time how unrighteous, are the advantages which the creditor derives, if he himself becomes the purchaser, and pays with his judgment! How much more unrighteous and against conscience is a purchase, under these circumstances, by a capitalist, who with his ready money speculates upon the misery and the ruin of the unfortunate debtor!

Time has not been allowed me to search for apposite cases in the books. I do not recollect, at this moment, any cases reported in the English authorities involving the principles of the cases before us.

I shall therefore bottom my decision upon the abstract grounds—that cases of this description involve hardship and oppression—that they are against equity and conscience—that they are promotive of injury to the public—that they enable monied men to accumulate usurious wealth—and that they tend to convert a *just* and *salutary* measure of the government into an engine of political disaffection, through the medium of distressed and persecuted debtors.

Let the writ of injunction therefore, issue, to stay *sales* upon these executions, until the first day of September next, the complainant depositing with the sheriff, when required, to meet the day of sale, sufficient property, the valuation of which to be ascertained by the price at market three months preceding the embargo act.

EXPARTE. R. M. MAXWELL.
GEORGIA. } *Superior court, April 8th,*
Chatham county. } 1808. IN EQUITY.

This case standing upon the same footing as the above—It is ordered that a writ of injunction be granted to stay sales upon executions mentioned in the bill, until the first day of September next; the complainant depositing with the sheriff, when required, to meet the day of sale, sufficient property, the valuation of which to be ascertained by the market price three months preceding the embargo act.