

following decision in our court of appeals. Its publication may serve to dissipate apprehensions excited by the comments of those who appear to have totally mistaken the subject.

ALEXANDER HAMILTON, Esq. in behalf of ANTHONY AMELIO, and others, petitioners, for the admission of an appeal from the Admiralty Court of the State of South-Carolina, condemning the Sloop Chester, her apparel and cargo.

In the COURT OF APPEALS in CASES of CAPTURE.

The owners, masters and mariners, of the Brig. Experiment, & the Brigantine Fair American.

THE Court having considered the evidence and arguments adduced by the counsel for the petitioners and respondents are of opinion, that there is not sufficient cause to admit the appeal of the petitioners from the decree of the court of admiralty in the State of South-Carolina, condemning the sloop Chester her apparel and cargo. If the appeal should be admitted, it must be on this principle, that there had been such irregularities in the proceedings as that justice and right required, that the cause should be reheard in order to do that justice here, which had not been done in the court below. The irregularity suggested is, that the captors did not bring or send the master of the captured vessel in order to be enquired of touching the property &c. nor produce the document mentioned by the master in his protest, and that for want thereof a condemnation had taken place. However blameable the captors may have been in omitting to send or bring the master before the admiralty court, and in not producing said document, such omission alone is not sufficient to set aside the decree and rehear the cause, unless it appeared that substantial justice has been thereby prevented. In this case upon an examination of all the evidence produced, it appears that the condemnation of the sloop Chester must have taken place if the same evidence had been offered in the admiralty court. Peter Theodore Vantylengen appears to have been a merchant in a British settlement in the Bay of Honduras not being a having a transient residence, but carrying on trade from that settlement like other inhabitants. It is not material to whom his natural allegiance was due, he was enjoying the privileges, and subject to the inconveniences of other merchants residing in the same place. The sloop Chester appears to have been a British vessel possessed of British papers, purchased by Vantylengen and employed by him; and although he might have executed a bill of sale of her to certain subjects of the United Netherlands with whom the United States were at peace and amity, for the purpose as he expresses it of preventing her being taken. Such a transfer cannot be considered as bona fide, but from the tenor of the instructions of the said Vantylengen to the master of the sloop, that transfer appears to have been intended merely to deceive and cover under the name of a friend, property which ought to be considered as that of an enemy. Examining the protest made by the master of the sloop Chester it does not appear that he was prevented by the captors from going to Charleston, but on the contrary, his going on shore at St. Eustatia, upon the privateers leaving that place, seems to have been in consequence of his own solicitation. For these reasons the court do not admit the appeal of the said petitioners; and it is considered by the court that the petition be dismissed; but as some irregularities on the part of the captors have given colour for the petition, the court do not award costs to the respondents.

CYRUS GRIFFIN,  
GEO. READ,  
JOHN LOWELL.

New-York, 3d of May, 1787.

MR. FERRO,

I SHOULD suppose Mr. Swanwick, or his friends, would think it necessary to give a reason or an apology for his vote in opposition to a measure, on the adoption of which, he himself confessed the safety of the constitution and the peace of the United States depended.—He will be pleased to say, whether he did not declare, that Mr. Muhlenberg had saved this country by a vote directly in opposition to that given by himself.—He dare not deny this fact.

Whether the measure was really a proper one, as it respects Mr. Swanwick's declaration wholly immaterial.—He thought it was essential to the interest and existence of our government, and yet voted against it.

I will not say that the vote was procured by corruption, but every idea of attachment to the country was certainly sacrificed.—What must every man think and feel who hears this, and who is either by election or birth an American?

A PENNSYLVANIAN.

BY THIS DAY'S MAIL.

NEW-YORK, October 4.

The following particulars are extracted from Jamaica papers, handed to us by captain O'Connor of the barque Neptune.

KINGSTON, August 27.

A sloop, flag of truce, sailed from Port-Royal on Saturday morning, with twelve French officers, taken in the Renomme frigate, for Cape Francois. The sloop La Carida arrived at Port Royal late on Monday evening, with dispatches for general and Balcarres.

This vessel had been sent a few days before from Irois, with a supply of rum, wine, beef, pork, &c. for Irois, and other out posts; but on her arrival was immediately ordered here, without being permitted to deliver one article.

It appears that Irois and another post had experienced an incessant attack for some days, and that the enemy, occupying a height from which they could successfully annoy our forces, a line of battle was indispensably necessary to cover the troops in their attack on this post and the position of the adjacent army. Our loss has been very trifling, while that of the enemy has been considerable; upwards of 80 white men from Aux-Cayes have fallen in the different actions.

Six hundred fresh troops have arrived at Irois from the Mole; and there is not the least apprehension that the enemy can succeed. We are forty to add, that general Bowyer has been wounded in the breast.

Extract of a letter from Jeremie, dated Aug. 21.

It is now 15 days since our camps have been attacked; persuaded that being accustomed to conquer, would still ensure us victory, our hopes were realized in the eastern quarter, and the enemy were completely beaten at Post Raimond. This success, as complete as could be hoped for at an advanced post, only cost us two white men, and to the brigands, 200 men of all colours. Rigaud, without any success, laid siege to the camp of Irois for 15 days, with a column situated on the hill called Marie Louise, and another upon that of Madame Lucas. We would have acted properly to have left them to be dispersed through chagrin, since neither their cannon nor their bombs produced any effect; but the impatience of our chiefs, was, unluckily, of great service to our enemy. The dependency persuaded that a decisive victory in this quarter would, for a long time, give peace, had found plenty of soldiers, as well as individuals, in a condition to carry arms. Those who by their age and their employment could be excused from carrying them, wished even to have their share in the laurels which they believed would be gathered under the shade of the crest of general Bowyer, who had decided, that the army collected at Ance de Nault and L'Islet, should march in two columns, and that M. de Sevray, commandant at Irois, should go out of the fort with 400 men, to make the third column.—That of L'Islet set out at nine o'clock at night, to go to take its position, so as to flank the wood.—We were upon the march with a field piece at two in the morning, and at six we were in sight of the enemy. M. d'Anglade, who commanded the column from L'Islet, began the fire.

General Bowyer seconded him briskly, by beginning his fire sooner than he wished, as our black troops were struck with a panic, and had deserted the regular troops, leaving them exposed to the whole fire of the enemy. General Bowyer, in order to animate the troops, appeared on foot at the head of his troops; but being immediately after wounded by a ball in the left breast, he was forced to leave the party, and to order a retreat, seeing that the negroes who dragged the field-piece had abandoned it. All the officers that were wounded were luckily brought off, and general Bowyer remounted his horse, being happily only very slightly wounded. Monsieur Sevray, having carried two outposts, retired in good order. He was likewise wounded, but very slightly.

Extract of a letter from the same place, dated August 22.

The brave general Bowyer has shown himself worthy of the post he holds. He is beloved by every person. His wound creates no fear of danger. We are going to arm all the negroes we can, and we have the greatest hopes from that step. There is no reason to doubt, that if our two generals had not been wounded, we should have had a complete victory, in particular over those who were repelled at the camp of Rivaux, and the camp of Centre, with the greatest vigour.

The schooner Fidelle is sent down express to Kingston, to demand assistance, as well to the commodore as to the general, for a ship of the line, which would be of the greatest consequence to us.

In consequence of the pressing demand of the inhabitants of Grande Anse, the commodore will sail from Port Royal on Sunday morning for Irois, with the Cormorant, Jamaica and Undaunted, and transports under their convoy, having on board 300 men.

The Polly and Phoebe touched at Curacao, and brought from it colonel Vandabels, commander of the land forces, his wife and three children. Ten other officers quitted the place nearly at the same time, for different English islands.

So completely has the French faction, in that unfortunate colony, triumphed over all good order and subordination, that these gentlemen, finding their posts no longer tenable with honour or safety, very properly abandoned them. At the head of a large mass, which the fraternising miscreants had organized, the national cockade, and an oath to be faithful to the French republic, was universally tendered, accompanied with every act of insult and violence, and left them no other alternative than flight.

MONTEGO-BAY, August 27.

The following paragraph is copied from the Kingston Diary of last Monday:

"A confirmation of the defeat of the French in their attack on Irois, is brought by a vessel which touched at Aux-Cayes. The loss is stated as very unfavourable indeed."

BOSTON, September 27.

Extract of a letter from Charleston of the 12th September, that may be relied on.

"Our city at this time is as healthy as has been known for many years, the fever has taken off many, but few sick at this time."

By the Schooner Isabella, Capt. Driscoll, arrived at the Fort.

KINGSTON, (Jam.) August 31.

The dispatches brought by lieutenant Mann, and by him conveyed immediately to the commander in chief, were put on board the Port Royal, by the captain of the Magicienne frigate, in the evening on Monday.—The Magicienne was from Gibraltar, and sent by general O'Hara to give notice to the governors in the West-India islands of a rupture having taken place between the Powers of England and Spain, she is said likewise to bring information of the Spanish forces, so long since collected before Gibraltar having attacked that fortress and been completely repulsed. The frigate on her passage captured a very rich Spanish ship and sent her into one of the windward islands, part of her crew (to the number of fifty) she put on board the Port-Royal. The above is a recapitulation of all the intelligence said to be bro't by her—but by many persons the attack on Gibraltar is thought to be false, that a formidable camp has been formed before the place, there is little doubt of. The Spanish ship taken, is said to be from a French port, of consequence, her capture is the effect of her having a French cargo on board. On the whole it is to be hoped, that there is no foundation for believing a rupture has

taken place, yet the report has wrought so much upon the minds of the people of this town, that privateering is universally talked of.—Should the dispatches of the commander in chief contain intelligence of so important a nature, it is hoped he will not keep them long a secret.

Passengers in the Sophis, Mr. M'Leen, and Mr. Pinto. In Eliza, Mr. Hewett, Mr. Kennon, Mr. Shtall; Mr. Salom, Mr. Steele; Mr. Richardson, and Mrs. M'Neil.

The brig Eliza, spoke his Majesty's ship Canada, and Leviathan, off Monte-Clarific, and was informed they had taken a large ship, laden with East-India goods.

A foreign schooner with dry-goods, specie, &c. on board, from St. Jago de Cuba for Campeche, put into this port yesterday, having sprung a leak.

GAZETTE OF THE UNITED STATES MARINE LIST.

PHILADELPHIA, October 5.

Brig Olive Branch, Etheridge; Sutinam 29  
Alexandria, Clark, Gonsives —  
CLEARED.

Ship South Carolina, Garman, Charleston  
Schr. Tryal, Wellh, N. Carolina  
Sloop Lark, Burroughs, St. Bartholemew's  
William, White, Norfolk

Brig Ranger, Glazier, arrived at Cowes from Philadelphia in 35 days.

Ship Philadelphia, Bliss, is arrived at Bristol.  
The brig Mary, Fleming, from Brest, is in the river.

The brig Eliza, Yardley, from Hamburg, is arrived at the Port, in 60 days. Came out in company with the ships Mary, Parker, for Philadelphia, and Amiable, Tillinghast, for Cadiz. Left there, ships Enterprize, Bacchus, Ann and Mary, Two Friends, Dispatch and Liberty.

A brig, supposed to be the Denye Prove, from this port, was going in.

Off the Capes, spoke the ship Favorite, Thompson, 60 days from Liverpool, in company with another, name unknown, both standing in.

Off the Western Isles, was boarded by the Decade and Nero, French frigates, of 44 guns, who had taken an English East-Indiaman, and three valuable Portuguese prizes.

By Authority.

The following letter from Mr. Donaldson, dated at Leghorn the 1st of July last, shows that the measures taken to effect a treaty between the United States and Tunis, had not then succeeded. It is published for the purpose expressed in the letter itself. It is also to be noted, that no treaty has yet been made with Tripoli.

Copy of a letter from Joseph Donaldson, to Stephen Cathalan, Consul of the United States at Mar- seilles, dated Leghorn July 2, 1796, and received at the Department of State.

Sir,  
This moment I am informed by letter from Tunis, that the American Schooner Eliza, Samuel Graves, has been sent in there by one of their privateers, contrary to an arrangement made by me in November last, and which will not expire until the 8th of this instant.

You will do well to caution my countrymen against the cruizers of Tunis and Tripoli.  
Signed, JOSEPH DONALDSON, Jun.

NAVAL ENGAGEMENT.

The following extract is copied from a London paper of July 30, 1796.

Extract of a letter from Alicante, June 28.

The beginning of this month a most terrible and obstinate battle was fought near Corfica, between an Algerine vessel and two Neapolitan frigates, joined by one of the Pope's guarda costas. The action was severe, long, and bloody; it lasted from ten o'clock in the morning till four in the afternoon, without intermission; the combatants were for a long time within pistol shot of each other. The pirate suffered much, being most of the time between an incessant and well directed fire, which cut away great part of their rigging, and made terrible havoc amongst the men; yet the ruffians fought with an uncommon degree of desperation, and attempted many times to board, but were as often repulsed with great loss. The captain and all the officers were killed in the heat of the action—the former had both his legs taken off by a chain-shot, as he was firing a blunderbuss, yet the barbarian refused to be taken from the deck, and died whilst giving the word of command. This loss did not in the least intimidate the terrible crew, who fought like furies, swearing in various tongues they would not strike while a man or boy was left alive.—The Christians were equally obstinate, and fought like lions throughout the whole conflict, and showed great bravery and skill—they were to a man fully determined to conquer or die. Unluckily one of the frigates, which bore the greatest stress in the action, took fire, and in spite of every exertion, soon blew up, when most of the crew perished. Another misfortune befell itself a short time after, which was the loss of the Pope's eruzier, which was sunk by the enemy's shot, after a gallant resistance. In this situation the other frigate was obliged to be towed away, leaving the Algerine like a log upon the water, having her fore and mainmast carried away by the board, and her hull so much pierced and shattered, that it was almost impossible she could ever fetch Algiers.—The pirate fought under the bloody flag, and mounted 34 guns, besides pateraroes; the frigates had 20 guns each; & the Pope's eruzier 10, and 8 swivels."

Extract of a letter from the Capt. of the brig Cincinnati, at Halifax, dated the 10th September, to Mr. John Gardiner, the owner in this city.

"I am detained here by admiral Murray's squadron, being sent in on account of sailing from a Dutch colony; the brig is not yet libelled. The Assistance came in here yesterday with a French frigate taken by the squadron. When my vessel is cleared, I shall be unable to proceed for want of people."

BOSTON, September 27.

Arrived, brig Jay, Woodberry, Cowes, (Aug. 58 days. July 25, sailed from Cowes for Amstedam, ship Aechula, M'Cowen, of Philadelphia, 27th, do. brig —, Pike, of Boston. Arr. 6, lat. 47, 30, long. 10, spoke the Indian Chief, 20 days from London for Madeira, Sept. 3, on the banks of Newfoundland, was boarded from an English frigate, and treated politely. Left at Cowes ship Phoenix; and brig —, Shepherd of Boston, Two Brothers, Newhall, St. Martin's, 34 days, brig Ann, Lord, Berbice, 37 days. Sailed, and for 10 days continued in co. with capt. Bowlin in a schooner, bound to this place. Left at Barbice, capt. Stetson of Boston.

Sept. 28. Arrived brig Sipsburg, Farley, Bay Mahaut, Guadaloupe, 22 days. Four days after sailing fell in with, and was boarded from a French privateer—the capt. carried on board the privateer with the brig's paper, stripped, searched, and treated very ill—in the mean time the vessel was plundered of many small articles. Ship Harriot, Cloutman, London, 57 days. Spoke nothing but what has arrived. Expected the Galen and Minerva would sail soon after. Snow Mary, Smith, Mariscalante, 24 days. Left at St. Thomas's brig Lavina, Stow, of Newburyport, to sail September 7, brig Samuel, Seymour, of Hartford, to sail September 5. Lat. 40, long. 70, 40, spoke brig Jenny, Dabney, Senegal for New York, Lat. 42, 00, long. 66, 00, spoke the armed schooner, Charles Mary, Kidston, from New-York, bound to Halifax. Sept. 24, lat. 42, 30, long. 67, 30 spoke brig Hannah, Dent, from Portland, out 2 hours.

The Minerva, Turner, 19 days from London, for Boston, was spoke Aug. 28, lat. 48, 30, long. 23.

The Atlantic of Boston, 3 days from Portland for Demarara, was spoke lat. 43, long. 67, 20.

The Three Brothers, Smith, of Portland, 27 days from Norfolk for London, was spoke Aug. 24, lat. 47, 30, long. 33.

A schooner from Boston for Trinidad, was spoke Sept. 28.

The Mary, Swett, of Newburyport, was to leave London, for Boston, Sept. 1.

The Tryal, of New-Bedford, passed through the Downs, Aug. 6.

The Polly of Portland, 22 days from Rhode-Island for London, was spoke, Aug. 21, lat. 46, long. 36.

The Fair American of Boston, 9 days from Norfolk for Dublin was spoke Sept. 9, lat. 39, 49, long. 72.

The sloop President of Boston, was spoke September 14.

NEW-YORK, October 4.

ARRIVED.

Ship Young Eagle, Parkins, Liverpool 63  
Port Mary, do. —  
Ohio, M'Lachlan, Greenock 53  
Barque Neptune, O'Connor, Jamaica 24  
Sloop Sisters, —, St. Croix 20  
Schr. Clara, Lefcomb, Bourdeaux 62

Ship America, Woodward, is arrived at Cowes. Capt. Lefcomb from Bourdeaux met the ship Diana, of this port, going up the river to Bourdeaux as he came out.

MR. PRINTER,  
Your publishing the following may oblige some of your readers who have admiralty causes depending in England.

The brigantine Maryland, John Stran, master, sailed from Baltimore in August 1793; bound to Bourdeaux, loaded with coffee. In prosecution of her voyage on the coast of Europe, she was captured by the letter of marque, the Prince of Wales, belonging to Liverpool, and the captain, instead of ordering her to the nearest port for trial, sent her to Montserrat, in the West-Indies, where the vessel and her cargo were condemned. An appeal was lodged and has terminated favorably for the proprietors as appears from the following copy of a letter from the proctor employed by the agents of the owners in the above case.

"Privy council chamber, July 16, 1796.

"The Maryland, John Stran, master.

"GENTLEMEN,

"I have very great pleasure in informing you of my having to-day obtained a reversal of the sentence of condemnation of this vessel and cargo, and a decree of the lords of appeal for the restitution of the same, or the true value thereof, and their lordships have reserved the question of costs and damages until it shall be ascertained whether the capture was made by a privateer or by a merchant ship having a letter of marque. I have no doubt of its having been made by a privateer, and have therefore every expectation of getting the captor condemned in costs and damages.

"I am, &c.

(Signed) "CHAS. BISHOP."

Captain Stanwood, arrived here from Leogane, informs, that on his passage from New-York, he was taken on the 13th July and carried in there, his cargo taken from him by the administration, and vessel detained 50 days, during which time his mate and all his hands died. He was obliged to pay ten jobs to get his vessel clear, without receiving payment or security for his cargo.

Fifteen or sixteen American vessels were lying in Leogane, their cargoes taken out, vessels under condemnation, masters and supercargoes confined on board and not allowed to go on shore to take any refreshment, or to seek redress, on pain of being imprisoned in a dungeon.

Capt. Stanwood left the following American vessels in Leogane on trial—

Brigs.—Glasgow, Codwife, New-York; Charlotte, King, ditto; Experience, Huking, Philadelphia; Industry, Merley, Baltimore.

Schooners.—Juno, Burgess, Boston; Bride, Probert, Philadelphia; Alethra, Ham, Georgetown, South-Carolina.

Sloops.—Delia, Huggins, Philadelphia; Sincerity, Bard, ditto; Joanna, Hunter, Providence, Rhode-Island.

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AUG. 9