

FOREIGN INTELLIGENCE.

LONDON, June 27.

TRIAL OF JAMES HADFIELD.

[Continued.]

THE other case, which probably the jury anticipated, was the case of Lord Ferrers. He was visited with occasional insanity: Of that fact there could be no doubt. He murdered a person deliberately in his own house, of the name of Johnson. The facts were clearly proved, and it was alleged in defence, that the consequence of murder did not follow, because he laboured under a state of mind which rendered him incapable of knowing what he did, and therefore not capable of judging the consequence of his actions. All the authorities relative to that point were introduced by the then Solicitor General; and as every affluence was then had, what passed upon the trial must be considered the law of the subject. The Judges sat as assistants to the house, heard such facts to be the law, and adopted it. The Lords, with one voice, found Lord Ferrers guilty, judging from the capacity he had at the moment he committed the act and not from any former period. In this case whatever the state of the prisoner's mind might be at former periods of time, yet, at that precise moment, he possessed understanding enough to know the nature and consequences of the action he was about to commit, and a competent degree of recollection, to warrant the inference of guilty, according to the law as laid down by Lord Hale. It was true, that he had been discharged from the military, and for the cause of insanity; but that degree of sound mind, which was necessary, for the discharging of a regular duty, was very different from that degree only necessary to distinguish the boundaries of good and evil. There are different degrees of insanity, which operate according to the nature of the act performed. If a contract was to be concluded, it was necessary that the party should be able to weigh all the consequences resulting from it. If a disposition by testament was the question, it was necessary that the party should have sufficient sanity of mind to understand the nature of the act: but it had been repeatedly held, that a person with a degree of furious insanity, yet shortly recovering sufficient understanding to know what he was doing, might legally make testamentary disposition. He conceived that it would be necessary to make out a case of much greater insanity to warrant a jury to pronounce *Not Guilty* upon a criminal act, because the traces of right and wrong were much harder to be erased from the mind, and remained as long as the mind retained any distinctions at all. When they heard the evidence, they would find the prisoner acting as other men did on such occasions; procuring pistols; leaving one for a reason which he assigned, purchasing gunpowder, stating his intention of going to the play, choosing a place best fitted for his purpose, waiting patiently for the proper moment until he discharged the pistol at the Royal Person. There was thought, mind, and contrivance in what he did. After he was hurried over the arches, they would find that by his confession he knew what he had done, and what were the consequences, that his life was the forfeit for the deed. There could be no doubt but that the evidence would convince them that he had acted from a judgment, which enabled him to form the plan and to know the nature and consequences of the act he was about to commit, and had committed. Whatever the state of his mind was at other times, the law laid he was responsible for those acts which he had understanding sufficient to know the nature of. This was the evidence, and such was the law as he understood it. We must all rejoice that the deed was not effected; but however providentially the life of his majesty was preserved, it was important for the purpose of general safety and the security of justice, that it should be known persons who had laboured under occasional insanity were not excused from the consequence of such crimes as they might commit, having sufficient understanding to judge of their evil tendency; so thought the Jury, and so thought the Court in the case which he had alluded to, and so thought the highest Court in the kingdom, when they condemned Lord Ferrers to die. He trusted, that he had not over stated the facts; he hoped he had not mistaken the law. The jury would correct him if he had done the first; and, with all submission, he submitted the latter to the Court.

[The evidence on the part of the prosecution being closed, Mr. Erskine rose and addressed the Jury. His speech will occupy four columns at least. We are compelled to omit it for want of room.]

For Baltimore,

THE BRIG DISPATCH,

JAMES VANSEN, Master.

To sail on Saturday or Tuesday next. Will take in freight on moderate terms. Application to be made to the captain on board at Jesse and Robert Wain's wharf, or to

Levi Hollingsworth & Son.

WHO HAVE FOR SALE,

84,000 lb. Coffee, and eight tons of Logwood imported in paid brig, the Coffee entitled to drawback on exportation. August 20. d5t.

BY THIS DAY'S MAIL.

NEW-YORK, August 25.

The Physician of New-York in a letter to his friend in Philadelphia, upon the subject of Fevers in this city, is mistaken respecting the case of Mrs. Tuttle's son. I attended him, and do unequivocally assert, that his fever was identically the same that prevailed in this city, in the autumns of '95, '93 and '99. I am willing to give said physician any information relating thereto, on proper application.

JOHN ONDERDONK.

N. B. I assure the public that the above case is the only one I have seen this summer.

The body of a man decently dressed, was taken up last Friday in the North River a small distance above the State Prison. The only papers found on him were two letters: the one dated Boston June (or January) 7th 1799, signed Hutzenbueher, and directed to John Wulffhagen, merchant, Hamburg. This letter was in High Dutch, and purporting to be a recommendation and introduction of the Hiram Lowenstein—the other was in English, signed Eliphalet Birtheley, and directed to Hiram Leburline, Elq at New-London, at Capt. Dunton's. The last letter was so much injured by the water as to be nearly illegible—the body appeared to have been a considerable time in the water. The coroner's jury brought in a verdict, accidental death by drowning.

BALTIMORE, August 22.

Reports, without the least foundation, were spread to day immediately on the arrival of the packet from Norfolk, that the American Envoys had arrived there. By a passenger we have been politely favoured with the Herald of the 19th and 21st inst. from the following articles are copied.

Norfolk, August 19.

Extract of a letter from on board the United States ship Baltimore, capt. Cowper, to the editors, dated 7th August, 1800, in lat. 27, N, long. 69, W.

"I enclose you a list of vessels, under our Convoy from Martinique, Antigua, St. Kitts and St. Thomas, conveyed to this latitude.

"Exclusive of this convoy, the Baltimore has conveyed 130 sail of our merchant vessels to the same latitude; she has captured the French privateer Brilliant Youth of 8 guns and 65 men; the brig L'Esperance, loaded with sugar; the polacre ship L'Emanuel, loaded with sugar and dye woods; recaptured the American schooners Jolly Robin and Sea Flower, both laden with provisions and dry goods."

[A list of the vessels conveyed by the Baltimore, amounting to upwards of 100 sail, shall appear in our next.]

The only paragraph worth noticing by different arrivals from the West-Indies, is the following:

BASSETTERE, (St. Kitts) July 4. This morning the United States schooner Enterprize John Shaw, esq commander, brought in the French privateer schooner Flambeaux of Guadaloupe. She engaged the Enterprize three quarters of an hour, and had 37 men killed and wounded; the Enterprize had only two slightly wounded. She had been on a cruise 70 days, and had taken only two prizes on the Main, loaded with dry goods, which she took out of them. She mounted 10 four pounders and 113 men.

We had a refreshing fall of rain about 1 o'clock this afternoon, with one or two shocks of thunder, in one of which the new lofty house in North Gay-street, belonging to John O'Donnell, esquire, was struck by the lightning, and sustained considerable damage.

COFFEE.

A QUANTITY of remarkable fine

Green Coffee,

In Hogheads, Barrels and Bags,

FOR SALE BY

JAMES TARD.

August 23

d10t

The Subscriber,

MASTER of the Hamburg Ship Anna, forwarns all Persons from trusting or harbouring any of the crew of said Ship, as he will not pay any debts contracted by them.

JAN JURGENS.

August 22

d10t

A Young Man,

PERFECTLY versed in Mercantile accounts, and brought up in one of the first counting-houses in this city, wishes employment as Clerk. He is at present absent from Philadelphia, but a line left at the Office of the Gazette of the United States he will receive, and it shall be immediately attended to. Salary a secondary object—Employment his motive.

August 21.

d10t

Bank of the United States,

August 23d, 1800.

WANTED,

APPROVED

Bills on Amsterdam,

At sixty days sight;

FOR WHICH

Cash will be paid,

At the rate of Forty Cents per Guilder.

d7t

Gazette of the United States.

PHILADELPHIA,

TUESDAY EVENING AUGUST 26.

TO READERS AND CORRESPONDENTS.

"Trifling" is thanked for the repetition of his favours. The Apologue of "The King and his Bear" is well fancied, and has a pretty moral.

To the fair recluse of New Jersey we are indebted for many elegant papers. Our office of selecting beautiful poetry has become almost a necessity, since she has directed her good taste to the pathetic, and the brilliant. Her secluded situation is most propitious to such studies. In the *epics* on the banks of the Arno, and among the *vallies* of Etruria; the muses have made many a delectable haunt, and carolled some of the most harmonious of their songs.

The Essay, signed "A Student," is too crude and pedantic for insertion. The author has evidently read many books, but digested none. He belongs to that tribe, characterized by CHARLES CHURCHILL,

"Pale study, by the taper's light,
Wearing away the watch of night,
Sate reading—but with *dear* charge,
Remember'd nothing that he read."

"Gayville," from the levity of his style and subject, appears better qualified to shine at the toilet than to teach, as an author. He seems designed

"To caper nimbly in my lady's chamber
To the lascivious pleasing of a lute."

We think he had better mingle among giddy coquettes, than among solemn scholars, for

"He can deceive the flying hours
With chat on butterflies and flowers,
Can talk of patches, powder, paint,
With the same zeal, as of a saint,
And females say the charming man
Whilst their hearts flutter with their fan."

The Trial of the American ship Pigou in France, and the remainder of the Attorney-General's pleadings in the case of Hadfield, will be found in this day's Gazette.

[OFFICIAL.]

Extract of a letter to the Secretary of the Navy, from captain Mallowney of the United States ship Ganges, dated on board the Ganges, July 30th, 1800.

"Sir, I wrote you on the 22d inst. wherein I mentioned having a French cruiser confined in the harbour of Matanzas; he came out on the morning of the 28th instant. At 3 P. M. he was desfered from the mast head, when I gave chase to him; at seven in the evening of the same day I was about half a mile from him, I fired some shot (not intending to effect) he still endeavoured to escape, I was under the necessity of firing into him, which did some damage to the vessel and wounded three men, after which he hauled his wind and ran ashore, where all the crew left her. I have the schooner with me, her name is the La Fortuna of six 6-pounders, and 70 men. I am happy to think the coast is clear once again—I know of no privateers here at present; this fellow was going off Cape Antonio. I hope to serve every one like him in the same manner.

N. B. The prize had no damage done her while on shore."

Two foot-pads stopped Mr. J. Hittell, of New-York, three miles from that city, on Friday evening last about 10 o'clock. Mr. H. knocked one down, and he in his turn was knocked down by the other; assistance came, the villains fled—one was caught, and again made his escape.—He had belonged to the frigate Adams.

A New Theatre, called the "United States Theatre," was opened on Friday evening last at the City of Washington; an Occasional Prologue was spoken by Mr. Wignell. The performances of the evening were "Venice Preserved, or a Plot Discovered," and the "Spoiled Child." The Company is composed of the Performers of the new Philadelphia Theatre.

From the 17th to the 24th instant, there were 44 deaths in the city of New-York.

For the last 24 hours preceding Saturday morning at sun-rise, there were 17 deaths in Baltimore and its vicinity.

We congratulate the firm, loyal, and constant friends to government on the probable election of Mr. N. Read to the seat in Congress, lately filled by Judge Sewall. Mr. R. is strenuously and deservedly recommended in the Salem Gazette, and we know from other sources that he is an intelligent, consistent, and well-principled character.

The Editor of the Baltimore Federal Gazette says, in the ship Defiance, capt. Smith, 39 days from Cadiz, arrived here, came passenger Mr. Izard, American consul for the port of Cadiz. The chat of the town on the arrival of the above gentleman, was, that our commissioners had concluded a treaty with France, and that he was the bearer of the articles! On waiting on him, we learnt that his latest advices from Paris were only to the 22d June, which said the envoys had embarked on board the Portsmouth, having accomplished the object of their mission. [This we know from later information, not to be accurate.] A circumstance which induces him to think the negotiation was favorably progressing, was that about a week before sailing, he applied to the French consul for a passport; but was refused unless he should take passage on board an unarmed vessel—on these terms it was rejected. A few days afterwards a pas-

port was delivered to him by the consul, with permission to embark on board an armed one; and he observed at the same time, that he hoped the two nations would shortly be friends again.

Mr. Izard left Cadiz on the 14th ult. at which time the blockade of that port was continued by a squadron under the command of Lord Keith, who, it appears, had left Genoa; and several American, Danish and Swedish vessels, bound to and from it, had been captured by them.

Extract of a letter from a gentleman lately from New-York, to his friend there dated at

Halifax, 28th July.

"The vessel sent in here by the St. Albans just before she came last to New York, was not as reported an American—she was originally an American taken by the French and Condemned at Gaudaloupe, where she was sold to an American, who proceeded with her to St. Thomas's and there got Danish papers from whence she went to Philadelphia and loaded there as a Dane for Amsterdum. The owner of her was an half pay British officer, unaturalized in America, who acted as supercargo in Philadelphia. When she was taken the captain could not, nor would not show any clearance, but when the trial came on, he produced it, and the owner who before pretended here to be only a passenger and owning some part of the cargo then claimed the ship. The ship is condemned, the cargo will be tried this week. I find the commanders of the British ships are more cautious of sending in our vessels than I expected, suspicion at least must be very strong indeed, before they venture to carry them in."

Extract of a letter from Curacao, dated 2d August, 1800.

"On Wednesday the 23d ult. an armed force arrived here from Guadaloupe, consisting of 2 brig. and 3 schooners bringing with them about 1500 soldiers, sailors, &c. which together with the Vengeance's crew, make about 2000 men. To this moment I cannot learn that they have made any other demand than the government to be given over to them, which the governor has refused, and has taken measures to repel force, if that should be attempted. The burghers are under arms day and night. It is said (and it appears probable to me) that their view is to raise money, but to what amount I do not know. They have landed the troops on the opposite side of the harbor to the fort some days ago; but I do not learn that they have done any thing towards fortifying themselves. They are yet very quiet, and excellent discipline is observed by the officers.

"The Vengeance is ready for sea."

Extract of a letter from Port Republican. Port Republican, July 30, 1800.

"We have just received information, that bears every stamp of authenticity, that the inhabitants of the Southern parts seeing the necessity of making terms with the commander in chief, have opened the gates of Aux Cayes to receive his army.

"It is further added, that Rigaud finding himself abandoned, embarked with all his staff on board a small pilot boat schooner from Les Irois, but where declined is unknown.

"I have just had an interview with the commandant of this town, who assures me, that though he has not received the official details, the news comes in such a manner, as to merit belief."

PRICE CURRENT

AT PORT REPUBLICAN,

July 13, 1800.

Sugar 6 to 6 1/2 dollars per hundred
Coffee 24 to 26 fous per pound
Cotton 22 1/2 to 23 1/2 per hundred
Campeche (wood) 5 to 6 dols. per thousand
Cordage 26 to 23 dollars per hundred
Molasses 22 to 23 livres per hundred
Rum 28 to 30 dols. per hhd. of 50 to 52 gallons
Tar 8 to 9 dollars a barrel
Nails 16 to 18 dollars per hundred
Flour 13 to 14 dollars per barrel
Rice 4 dollars per hundred
American beef per barrel 9 to 10 dollars
Pork 18 to 19 dollars per barrel
Cod Fish 6 to 7 dollars per hundred
Salmon 11 to 12 dollars per barrel
Herrings 7 to 8 dollars per barrel
Butter per pound 22 to 25 fous
Hogs Lard do do
Gammons do do
American Cheese 45 fous per pound
Claret per hoghead 45 to 48 dollars
Do. by the cask 6 to 7 dollars per dozen
Porter per hoghead 30 to 32 dollars
Sweet Oil 10 to 11 dollars basket of 12 bot les
Fish oil 4 livres per gallon
Cattel Soap 10 dollars per box
American Soap 18 dollars per hundred
Englilh do. 21 to 22 dollars do
Wax Candles 5 livres per pound
Spermaceti do do
Candles 42 fous 6 deniers to 45 fous per pound
Tallow 2 livres 10 fous per pound
Madras Handkerchiefs 16 to 18 dollars per piece
Do. Desiree 10 to 12 dollars.

Lord Hugh Seymour arrived at Kingston the 26th July to take the command on that station, vice Sir Hyde Parker, going home in the Trent frigate.

The U. S. frigate Insurgent, captain Fletcher was spoke with the 10th of Aug. in lat. 39, long. 69.

INTERESTING.

DECISION of the COUNCIL of PRIZES.

Between John Green, commander of the ship Pigou, of Philadelphia, acting by Henry L. Waddel, supercargo and co-proprietor of said ship, of the one part; the Commissioner of the Government at the said Council, acting in his capacity for the Captains and crews of frigates of the French Republic the Bravour and the Cocarde of the other part, after having read, &c. (the papers produced on both sides.)

After having read the opinion of the Commissioners of the Government, left in writing on the table, which is as follows:

It appears that a judgment of the Tribunal of Commerce at L'Orient, had granted captain Green the replevy of his vessel and part of the goods and specie which composed the cargo; and that on the appeal entered by the Comptroller of Marine at L'Orient against that judgment, the Tribunal of the Department of Morbihan declared the vessel and cargo a good prize.

The grounds on which rested the decision of the Tribunal of Morbihan, were that the vessel was armed for war without any commission or authorization from the American government; and that there was on board no role d'equipage attested by the public officers of the port of his departure.

The captured, claim the nullity of the prize, and that the vessel be reinstated in the situation she was in when captured, and that she be delivered up as well as her cargo, and the dollars which were on board, and also the papers, with damages and interest adequate to the losses they had sustained.

To be able to determine on the respective demands, we must first fix upon the validity or invalidity of the prize, excepting the enemy's property, all questions about the validity or invalidity of prizes, come to the examination of a fact of neutrality.

In this case was the Tribunal of Morbihan authorized to determine that the ship Pigou was in such circumstances as to be prevented from being acknowledged and respected as Neutral.

It is said the vessel was armed for war, and without any authorization from her government; that she mounted to guns of different rates, and that muskets and warlike stores have been found in her.

The captured reply that the vessel being bound to India, was armed for her own defence, and that the warlike ammunition, the muskets and guns, did not exceed what is usual to have on board for long voyages; for my part I think it is not for having arms on board only that a vessel can be said to be armed for war. The warlike armament is merely of an offensive nature; it is deemed so when there is no other end than attacking, or at least when every thing shows that attack is the main point of the armament; then a vessel is reputed inimical or pirate if she has no commission or papers which may remove the suspicion. But defence is of a natural right, and every means of defence are lawful in voyages at sea as in every other dangerous occurrence of life.

A vessel consisting but of a small crew, and whose cargo in goods amounted to a considerable sum, was evidently intended for trade and not for war. The arms found on board was not to commit plunder and hostility, but to avoid them—not for attack but for defence.—The pretence of armament for war in my opinion cannot be founded.

I am now to discuss the second argument against the captors on the want of a Role d'Equipage, attested by the public officers of the place of her departure.

To support the validity of the prize, they allege the regulation of the 24th October 1774, of the 26th of July 1778, and the decree of the Directory of the 12th Ventose, 5th year, which require a Role d'Equipage.

The captured on their part claim the execution of the Treaty of Commerce between France and the United States of America of the 6th Feb. 1778; they contend that general regulations could not derogate to a special Treaty, and that the Directory could not infringe the treaty by an arbitrary Decree.

It is a fact that the regulations of 1774 and 1778, and the decree of the directory, require a role d'equipage attested by the public officers of the place of the departure. It is also a fact, that the role d'equipage is not mentioned in the treaty of the 6th February papers requisite to establish neutrality, but I believe I am not under the necessity of discussing whether the treaty is superior to the regulations, or whether the regulations are superior to the treaty.

I will begin with the principle that all questions about neutrality, are what are called in law questions *bona fide*, in which due regard is to be had to facts, and weigh them properly without keeping to trifling appearances.

Neutrality is to be proved—for this reason, the regulation of marine of 1681, art. 6, on prizes states: that be considered as good prizes the vessels with their cargoes which shall not have on board charter parties, bills of lading, nor invoices.

From the same motives the regulations of 1744 and 1771, put the commanders of neutral vessels under obligation of proving at sea their property being neutral, by passports, bills of lading, invoices and vessels papers.

The regulation of 1774, whose enacting parts have been renewed by the Directory, literally expresses among the papers requisite to prove neutral property, there must be a role d'equipage in due form.

But it would be a gross error in believing that the want of, or the least irregularity in one of these papers could operate so far as