

markets for such sale; be it therefore enacted, That in case of any order for further proof made by any court of vice-admiralty, and the claimants thereof declining to take the property whereon such question shall arise upon bail, it shall be lawful for the court before which such question shall be depending, with the consent of the captors and claimants, or their respective agents, to direct such property to be sent to England, and there to be sold by consignees, named by such parties as aforesaid, and the proceeds of the sale to be forthwith deposited in the bank of England, in the names of such consignees, subject to the final adjudication, the expenses of freight, insurance and other charges attending the transportation and sale of the property, to be a charge thereon; and in case it shall appear to any such court that the consent of the captors shall in such case be unreasonable withheld, the captors shall (in case of restitution) be adjudged and made answerable, and shall pay such sum as shall be adjudged in any such court to be equal to the difference in value of property at the time of such restitution, and what should have been the produce thereof if it had been sent for sale to England, such difference to be ascertained in such courts by such ways and means, and such evidence as to what such property would have sold for in Great-Britain, and as to the charges to which the same would have been subject, as such court shall deem satisfactory for that purpose.

IX. And be it further enacted, That if on any final sentence or adjudication of any such court, an appeal shall be duly entered, it shall be lawful for the court from which such appeal shall be made, at the request of the appellant, to direct the property on which such sentence or adjudication shall have taken place, to be sent to England for sale in the manner as is herein before directed, and the proceeds to be deposited in the bank to abide the decision of the lords commissioners of appeal; or in case the property shall have been converted by sale, the proceeds thereof shall be sent and deposited in like manner; and in case any question or difficulty shall arise respecting any such property or proceeds sent to England, either before or after any such appeal, at any time after their arrival in England, or respecting the sale or proceeds thereof, it shall be competent for either the captors or claimants thereof, or their respective agents upon notice to the adverse parties, or their agents, to apply by their petition or petitioners to the court of admiralty of the united kingdom of Great-Britain and Ireland, if below the appeal is prosecuted, or afterwards to the lords commissioners of appeal, for directions in regard to the sale or management of such property or proceeds, and the said high court of admiralty or lords commissioners aforesaid respectively, are hereby authorized to give such order and direction therein as the nature and circumstances of the case may require, for the security of the property or proceeds, or for the beneficial employment of the said proceeds in government securities, for the benefit of the parties who may ultimately be entitled, and to cause such order and directions to be enforced and put in execution if the same shall be necessary, by such and the like ways and means, and order and subject to such penalties, forfeitures, regulations, and restrictions, as such court or lords commissioners respectively may use or exercise, in relation to any property, or person or persons, subject to the jurisdiction or control of such court or lords commissioners respectively.

X. And whereas great inconveniences have heretofore arisen from delays in leaving the processes of the court of appeal, for obtaining appearances and other interlocutory orders; be it therefore enacted, That in all cases of captures by his majesty's ships, a service upon his majesty's proctor shall be deemed an effectual service upon the commander of a ship making such capture; and that upon the taking out of all letters of marque, the owners of the ships or vessels in respect whereof such letters of marque shall be granted, shall nominate and register in the court granting such letters of marque, a proctor of execution in the court of appeal and prize causes, with power of revocation and substitution; and a service of process upon such proctor shall be deemed an effectual service upon the commanders, owners, and supercargo of privateers, in all cases where an appeal has been declared in the court below within 14 days after sentence; and in case any privateer shall proceed to adjudication against a prize in any other court than that from which the letters of marque shall have been issued for such privateer, it shall be necessary that a proctor shall be registered as aforesaid, together with the names of the owners of and supercargo for the said privateer, before the usual nomination is granted, upon which proctor in like manner the service of the process of the court of appeal shall be effectual: Provided, nevertheless, that his majesty's proctor, or any proctor nominated as aforesaid, shall not be answerable for any damages arising to their parties respectively, from no appearance being given in their behalf, in the court of appeal, unless the proctor so nominated shall have accepted such nomination by a writing under his hand, and also unless the said parties respectively shall have sufficiently instructed their said proctors to appear and defend the appeal.

XI. And be it further enacted, That in

all cases where no appeal has been entered as aforesaid, a service of the process either upon the commander of the king's ship, or upon his registered agent in this kingdom, or upon his majesty's law-officer in the court below, or in cases of captures made by privateers upon the commander of the privateer, or upon either or any of the owners, or upon either of the supercargoes to the letters of marque, shall be deemed a sufficient service upon the parties.

XII. And be it further enacted, That in all proceedings, had upon captures made by any privateer, the owners shall be deemed and considered parties to all and every part of such proceedings, and the said owners, and likewise the foremen, shall be jointly and severally liable to all orders and decrees made therein and made upon them respectively, immediately after final sentence, without further personal service upon the commander, or putting him in contempt by process of contumacy.

XIII. Provided always, and be it further enacted, That nothing herein contained shall be construed to prevent any claimant or claimants to whose favor a sentence of restitution shall have been passed, or shall be hereafter passed, from having the property claimed by him delivered to him or her in the manner specified and directed by an act, passed in the thirty third year of his present majesty, intitled an act for the encouragement of seamen, and for the better and more effectually maintaining his majesty's navy.

XIV. And whereas it is expedient that the most speedy & effectual means shall be taken to enforce the execution of the orders and decrees of the lords commissioners of appeal, be it therefore enacted, that all interlocutory orders, final decrees, attachments, or other process, issued by the lords commissioners of appeal, to be executed in any of his majesty's plantations, may be transmitted to either of the said vice-admiralty courts in which the cause originally depended; and in respect to causes already depending or which may hereafter depend in any other vice-admiralty court in the West-Indies, including therein the Bahamas and Bermuda Islands, before the lords commissioners of appeal, such orders, decrees, attachments, or other process, may be sent to either of the said vice-admiralty courts, which the lords commissioners of appeal shall direct, to be registered and carried into execution by the said court; which court, upon the same being duly complied with, shall take the same measures, as if the said order, decree, attachment, or other process had originally issued from the said court.

XV. Provided always, and be it further enacted, that nothing in this act contained shall extend, or be construed to extend, to restrain his majesty, his heirs or successors, from issuing or granting any commission of prize to any other court or courts, or from making such further rules or directions relating to any court of admiralty for the adjudication and condemnation of prizes, as by his majesty, his heirs & successors, with the advice of his or their privy council, shall be thought necessary or proper.

XVI. Provided always, and be it further enacted, that in case his majesty should be pleased to issue any commissions of prize to any other vice-admiralty court in the West-Indies, such court shall be subject to the same regulations, and shall possess the same authorities and powers as are provided by this act for the vice-admiralty courts in any two of the islands in the West-Indies and Halifax.

XVII. And be it further enacted, That no person during the time he shall hold the office of judge of any of the said courts, shall, either by himself or by any person on his behalf or for his benefit, act as agent for any prizes that may be captured from the enemy, or shall have any share or interest directly or indirectly in any privateer or letter of marque, or shall be any wise concerned in the care, management, or superintendance of any estates in any island in the West-Indies, or on the continent of America.

NEW-YORK, Sept. 21.

Capt. Paine, who arrived at this port yesterday from Gibraltar, informs us that on the 6th of August (the day before he left Malaga) he was boarded by the United States frigate Philadelphia, Samuel Barron, commander, who was waiting for the Tripolitan cruizers at that time in Gibraltar, to come out. The officers and crew of the frigate were all well, and in high spirits, cherishing the hope of speedily making a prize of the Barbarians. On the 8th of August, the day on which the Astrea reached Gibraltar, a mutiny broke out on board the Tripolitan vessel, occasioned by the want of provisions. About 150 of the seamen deserted, and had landed, when they were seized by an order of the governor, and put on board a British vessel, which departed immediately for Tetuan. The situation of the Scotch Renegado who commands the fleet, is thus rendered desperate—the brig of 18 guns is dismantled; and he has only about 40 men on board his own ship, exclusive of officers. In Gibraltar, it is conjectured that he will not dare to return to Tripoli, but that he will dispose of his vessel, and bid adieu to Mahomet.

Capt. Paine left Gibraltar on the 17th August. The day preceding a British frigate arrived here in 35 days from Egypt, with intelligence (as was reported) that admiral Gou-

theaume had landed 5000 troops at a short distance from Alexandria, and that Alexandria still held out. No other news had transpired.

From SOUTH-AMERICA—late.

Capt. Starbuck, of the Harlequin, arrived at Boston, informing that the Viceroy of Lima, has ordered the seizure of all vessels having goods on board for sale, above the value of 100 dollars; a sharp look out is kept on the coast. Two vessels have recently been taken and sent to Lima, or Callao; and a ship from New-York, the Concord, master; she was condemned in Tetu—she had been trading some time, and had 150,000 dollars in specie on board. The other was the Catherine of Boston, B. Worth; and had gone for Lima. The whole ships that go in are politely treated. Superfine flour at Liver pool, August 31 was 59 & 31. per bbl.

GIBRALTAR, July 31.

Intelligence from Egypt.

This morning arrived his majesty's brig of war Spider, in 43 days from Alexandria. At the time of the Spider's leaving Alexandria, (the 18th of June) that garrison still held out; but general Hutchinson and about 8000 troops in high health and spirits, and abundant supplies, were within 12 miles of Cairo, which place is probably now in his power, as the general had with him about 30,000 Berks, and a large body of Mamelukes, who had joined the British forces. With this army general Hutchinson was making arrangements for the complete invelling of the French forces at Cairo, amounting to 7,000 men. Only a part of the Bombay army had arrived at Suex, and joined Sir John Havelock; the remainder, having been delayed in their navigation up the Red Sea. (where the French frigates, used as a warship—scamper, were not so easily cast away) would not be at their destination till July. The four regiments which we mentioned in a former Chronicle to have passed Gibraltar in the line of battle-ships, have arrived safely in Egypt. General Marmont's squadron, consisting of three line of battle ships, two frigates, and some transports, with a reinforcement of troops for Marmont's army had arrived on the coast of Africa, to the westward of Egypt; but finding it impracticable to put the troops on shore, on account of a high surf, the squadron had returned to the coast of Italy. The British cruizers had captured four or five of their transports, with troops, dunnage and stores. On board one of them was a company of singers, dancers, and comedians, sent by the full consul, for the recreation of his Egyptian army.

A detachment of the British army under the command of brigadier general Doyle, had intercepted and taken prisoners a body of Marmont's army, on their march through the desert from Alexandria to Cairo, consisting of 500 of their best troops, 12 horses, and 550 camels. Damietta had been evacuated by its garrison who (600 in number) embarked at Burlos, with a view of either getting into Alexandria, or reaching France; the whole of them were captured; and in one week 1000 French prisoners were taken by the British forces, without the loss of one man. The whole of Sir James Saumarez's squadron is completely repaired, and either at or ready for sea, including the St. Antoine, (captured ship) whose officers and men were entirely French, though classed by admiral Moreno as a Spanish ship.

WILMINGTON, Oct. 15.

Arrived—Sch'r. Three Brothers, Bell, New-York.

Recent letters from New Orleans mention, that the yellow fever is prevalently in a peace. Capt. Brown, arrived at New-York in 11 days from New Orleans, reports that a duty of 5 per cent. has been laid on all goods imported into that island, and also an additional 20 per cent. duty. The British of the West-India, recently captured by the French, it is said, were to have been delivered up to the Danes, on the 20th ultimo. On the 15th of July last, there were in market at Amsterdam, 9,000,000 lbs. coffee, 9,000,000 lbs. sugar, 2,500,000 lbs. tobacco, 2,000,000 lbs. cotton, 300,000,000 pieces Spanish Indigo, 800 chests East-India do. 20,000,000 pieces Naakens, & a great plenty of dyewoods.

Extract of a letter from Mr. James Nicholson, a millshipman on board the frigate Philadelphia, to his brother, the honorable Joseph H. Nicholson, dated July 18. United States frigate Philadelphia, off Genoa, (coast of Africa) July 18.

"We arrived here a few days ago from Gibraltar, which place we left on the 20th. We sailed from America on the 11th, and anchored in the bay of Gibraltar on the 11th of July, after a very pleasant passage, keeping company with the other two frigates, the European schooner having parted from us after being six days at sea, and arrived eight days before us. On our arrival at Gibraltar, we found several Algerine and other Barbary vessels of war, and also to our great joy, the lord high admiral of Tripoli, which I never I presume you have heard had declared war against us. Our commodore asked him some questions relative to our control, who he assured us had left Tripoli six days before he sailed. He told us he was only the vice admiral, and was going to cruise off the western islands—he is in a tolerably good ship, the ally of Boston, formerly taken from us & also a brig with him; the ship mounted 25 eighteen pounders, and the brig 16 twelve pounders. The ship threatened to sink the European schooner on the 11th, because one of her masts went off accidentally; and

struck near her; they lost their boat on board, and made use of such menacing language, that Capt. Stewart thought proper to keep all hands at quarters during the night, but he was not disturbed. After leaving Gibraltar we spoke an American brig from Barcelona, who informed us there were a great number of American vessels lying there, afraid to come out; that he himself depended on his sailing to escape, also informed us that all the Tripolitan cruizers were out, and that the lord high admiral himself was waiting for our vessels from Barcelona, which was very different from the account he gave us, that he was going to cruise off the western islands. The commodore therefore immediately sent the Effex to Barcelona for the fleet, went himself to Tripoli, and ordered us to wait here for the lord high admiral; he can't stay long in port for want of water, as it can't be had at the rock, and he must of course pass us to go to Tetuan Bay, the only place where water can be had. I trust, if we have the luck of falling in with him, we'll give a good account of his highness and the brig too, tho' we are told that they fight hard. At Gibraltar we boasted that he could take the Effex himself, and expressed a wish to meet her at sea; if he has any inclination to try the American tars, the Philadelphia will be very much at his service. The ship and brig are both full of men for boarding, so that we will keep a good look out, for the idea of Tripolitan slavery is not readily brooked by Americans and freemen. The appearance of one of these barbarians is more heinous than you can imagine, and infinitely more savage than our Italians.

We left in with the British fleet commanded by admiral Sir James Saumarez; they treated us somewhat haughtily and ordered commodore Dale to heave to and send his boat on board; the commodore answered, that if he had any business with the United States frigate Philadelphia, to send his boat on board; he did so, with the boats of two other ships, to see who were, and was very anxious to learn our destination, but the commodore would not gratify him. In passing the Gut we fell in with three very large ships, who proved to be three French line of battle ships, cruising off there, and on the sixth July they offered us a spectacle of more grandeur than I ever witnessed before, or had an idea of. They were brought to action by six English ships of about equal force; the battle commenced at nine o'clock in the morning in the bay of Gibraltar, and continued till about twelve at noon. We could not get near enough to see who was victorious, but the Tripolitan might distance that we were waiting for him; we could not fly faster than our ship had but we were not. "19th.—We are just going into Tetuan for water. Will waiting for the Tripolitan, who I think cannot possibly escape."

ADVERTISEMENT.

Sampton county, Oct. 10, 1801.

MR. HALL, YOU will oblige me and perhaps others, by inserting in your Gazette the following matter of fact:

Doctor Roger Cutlar sometime in the spring of 1800, he gained and sold to Biggers Mobley of Sampson county, a certain Negro Woman named Matilda, a Negro Boy named Solomon, a Negro Girl named Kose (and Matilda has since had a child named Ishtar or Hoffs); which Negroes were delivered to said Mobley, and the purchase money paid. Afterwards Mobley hired said Negroes to Dr. Cutlar, and before the time was out that they were hired for, Dr. Cutlar removed them out of Sampson, and now refuses to deliver them to me, who am the owner. This is therefore to forewarn all persons of the property of said Negroes. Dr. Cutlar never entered the purchase money back again. The reader may make his own comments.

J. MARLEY.

NOTICE.

IS hereby given to all Owners of Carriages for the conveyance of persons in the 25th Division or county of New-Hampshire, that I shall attend all this month, to receive the Entrance and Duties on the same; and hope that attention will be paid by those concerned, as a failure to comply will subject the delinquent to the forfeiture, agreeably to the following Extract from the Laws of Congress:

"Sec. 7. And be it further enacted, That any person having or keeping any carriage subject to duty, who shall make an untrue or defective entry, to evade the whole or any part of the duty, justly and truly payable according to this act, shall lose the full penalty upon such untrue or defective entry; and where such untrue or defective entry has been made, or where no entry shall be made, or where there shall be a neglect of payment after entry, such person shall moreover in addition thereto, at any time thereafter, on personal application and demand, at the house, dwelling, or usual place of abode of such person, by the proper officer of Inspection, be liable, and shall pay the duties by this act imposed, with a further sum for the benefit of such officer, of twenty-five per centum which duties with the said addition, shall be collected by distress and sale of the goods or chattels of the person, by whom the same are due and payable."

HANSON KELLY, Collector of the Revenue for the 25th division of the 1st survey, district of North Carolina. October 15—25.

ADVERTISEMENT.

ALL persons having any demands against the estate of the late Col. John Morison, deceased, are requested to bring them forward for settlement—Those that are indebted to said estate, will be called on for payment by the subscriber. JOHN LORD, Adm'r. September 30, 1801—49.

NOTICE.

ALL debts due to A. T. BROWN and BROWN & HALL, in Twenty Dollars, will be immediately in suit, if not paid. October 2. A. T. BROWN