

with their carriages and ammunition, and 50 stand of colours.

"Nothing can form a more striking contrast than the disposition of the French army, and that of the Austrian army. In the French army heroism is carried to the highest pitch; in the Austrian army despatch has reached its lowest level. The Austrian soldier is paid in paper money; he can renounce nothing to his family, and he is ill-treated. The French soldier thinks only of glory.—A thousand traits might be particularized like the following:—Beeld, a private in the 76th, was about to have his thigh amputated—life was already almost extinguished—at the moment when the surgeon was preparing to operate, the soldier stopped him—'I know that I shall not survive the operation,' said he, 'but no matter! The loss of one man will not prevent the 76th from marching with their bayonets extended, and formed in three ranks, against the enemy.'

"The emperor had occasion to complain of nothing except the excessive ardour of the soldiers. The 17th light infantry which arrived at Ulm, rushed into the place; and during the capitulation, the whole army were so anxious to storm it, that the emperor was obliged to declare it as his positive intention that the place should not be stormed.

"The first column of the prisoners at Ulm has just begun its march for France.

The following is a statement of the total of our prisoners, at least of those actually known to have been taken, with their present situations—10,000 at Augsburg, 33,000 at Ulm, 42,000 at Dunawerth, and 12,000 already on their march, for France.

"The emperor, in his proclamation, says that we have made 60,000 prisoners; it is probable that they exceed that number. He states the captured standards at 90; it is also probable that these amount to a greater number.

"The emperor addressed the Austrian generals whom he sent for, as their army was filing past him, in the following terms:—'Gentlemen, your master carries on an unjust war. I tell you plainly, I know not for what I am fighting; I know not what can be required of me. It is not in this army alone that my resources consist, though were this the case, still my army and myself would make considerable progress. But I shall appeal to the testimony of your own prisoners of war, who will speedily pass through France; they will observe with their own eyes the spirit which animates my people, and with what eagerness they flock to my standard, and in six weeks become good soldiers—whereas your recruits only march from compulsion, and do not become soldiers but after several years.'

"I would give my brother the emperor of Germany one further piece of advice—let him hasten to make peace. This is the moment to recollect that all empires have an end—the idea that the end of the dynasty of the house of Lorraine may have arrived, should impress him with terror.

"I desire nothing upon the continent. I want ships, colonies, and commerce; and it is as much your interest as mine that I should have them."

"M. Mack replied, that the emperor of Germany had not wished for war, but was compelled to it by Russia." "If that be the case," said the emperor, "then you are no longer a power."

"Most of the generals have confessed how disagreeable this war was to them, and how much they were affected to see a Russian army in their country. They condemned that blind system of politics, which would bring into the centre of Europe a people accustomed to live in an uncultivated country, and who, as well as their forefathers, might take a fancy to settle in a milder climate.

"The emperor has treated lieutenant general Klenau (whom he knew as commander of the regiment of Wurtemberg) with much civility, as also the lieutenant generals Giulay, Gottesheim, Ries, and the prince of Lichtenstein, &c. comforting them in their misfortunes, and telling them that war has its chances, and that though frequently conquerors, they might sometimes be conquered."

[The remainder in our next.]

NORFOLK, January 4.

We have carefully pursued the French papers by the Sophia, 57 days from Bourdeaux, and find their contents anticipated by publications here, except the following, in a Bourdeaux paper of the 31st of October:

"Six thousand Russians have been surrounded and made prisoners by Marshal Berndotte!"

RALEIGH, January 6.

The Circuit Court of the United States for this district, opened its session on Monday last. Present the Chief Justice Marshall and Judge Potter. The Grand Jury being impaneled (the foreman of which was Robinson Mumford, Esq. of Fayetteville), the Chief Justice charged them in his usual plain but impressive manner, shewing the nature and importance of their duty, and enumerating the several objects of which they had cognizance. This being done, after hearing a few plain cases, the Court adjourned to Tuesday morning. Tuesday and Wednesday were occupied with civil business.

On Friday morning the Court again entered upon the important cause of the deviles of Earl Granville vs. Josiah Collins (Dickinson & Allen, and the other two defendants being deceased). It will be recollect that the demurrer to the e-

vidence which was offered by the counsel for the Plaintiffs at June term 1804, and which at the next term, the Defendants moved should be discharged and a repleader ordered, (but the consideration of which was reserved until the succeeding term) when the demurrer, &c. was ordered to be struck out, and *an alias vertere facias* awarded. At this court therefore, a Jury was impaneled and charged with the cause, and Mr. Gaston one of the counsel for the Plaintiffs, opened it in his usual eloquent and impressive manner, stating to the court and jury the evidence upon which the Plaintiffs rested their title to the lands in question. He was followed by Mr. Cameron, in behalf of the defendant, who briefly stated the several grounds on which he rested to support his right to these lands. Mr. Gaston then went at length into the merits of the cause, reciting all the grounds of argument which had been urged at a former term, insisting on their validity. He was particularly impressive in his address to the jury, lamented the critical situation in which they stood, their prejudices and the interest of themselves and neighbours, perhaps, being on one side, and the merits of the cause on the other. To escape from this delicate situation, he very strongly advised them to decline finding a general verdict, as they, being men of plain understandings, could not be supposed to be acquainted with all the questions of law arising on the case, but give a special verdict only as to the fact, and leave the cause to be judged by the proper tribunal, the Court.

Mr. Gaston was followed by Mr. Cameron and Mr. Baker, for the defendant, who reprobated, in severe terms, the attempt made by the plaintiffs' counsel, after bringing their cause to a jury, to persuade them into a belief that they were incompetent to the decision of it; they were at a loss to account for this conduct, except it arose from a distrust that their verdict would be against them, and from a desire to place the decision of their cause in other hands, viz. in the Judges of the Supreme Court at Washington city, who, however wise and upright they may be, could not be supposed to be so well acquainted with the laws, and the decisions of the courts of this State, as our own Judges. They cautioned the jury against suffering this address to their consciences and fears, to have the intended effect upon them, and charged them to perform their duty as honest and independent men.

After Mr. Cameron and Mr. Baker had spoken at considerable length, Col. Alexander Martin rose, and asked leave of the Court to speak as an *Amicus Curiae*, in behalf of the Defendants. Leave being given, he addressed the Court and Jury at considerable length. When he sat down (candles having been introduced) Mr. Harris suggested the propriety of the Court's adjourning till next day, as the Court and Jury must be greatly fatigued, and it would take till midnight to finish the cause.

Judge Potter (the Chief Justice having declined to give an opinion in this cause, had left the city) said, if the adjournment was wished by the Counsel on both sides, he would consent to it; if not, he would sit until the cause was finished.

The Court adjourned.

On Saturday morning, at the opening of the Court, Mr. Harris rose and replied on the part of the Plaintiffs. The Plaintiffs' counsel prayed the Judge to charge the Jury in their favour on the several grounds of defence made by the Counsel for the Defendant. Judge Potter then delivered his opinion to the Jury, on each point made in the cause, in favour of the Defendant: to which opinion the Plaintiffs' Counsel tendered exceptions; and the defendant's Counsel objected, but they were at length allowed by the Court. The Jury retired, and after some time, returned with a general verdict in favor of the Defendants. They were then charged in the suit bro't against Generals Davie and Jones, and the same proceedings had as in the other cause. The Court signed the exceptions, by which means the opinion delivered to the Jury will be brought before the Supreme Court by the Plaintiffs.

The Plaintiffs rested their cause on the following facts, viz.

That they had an undoubted title to the land before the 4th of July 1776, by virtue of the different grants made to the Lords Proprietors of Carolina by the Kings of Great-Britain; that their rights were individual and not sovereign, and consequently not destroyed by the revolution, the change of government, or any of the laws made after that time by virtue of the sovereignty exercised by North-Carolina.

The Counsel for the defendants made the following points: That by the revolution the plaintiffs were divested of their right, and the land in question became the property of the State; that by the 25th section of the Declaration of Rights, these lands are declared to be the property of the people of this State, to be held by them

in sovereignty, thereby destroying the plaintiffs' rights; that this right, if not before taken away or lost, was forfeited and divested by the confiscation and entry laws of this State; that the plaintiffs are aliens, and therefore cannot hold lands in this State; and that the plaintiffs are barred of recovery by the acts of limitation.

We learn that the discussion of this truly important question will take place before the Supreme Court to be held in February, 1807, when we hope that the opinion given in this court will be confirmed, and the question be put to rest. If it should be otherwise, a new jury trial must be had in this court.

WILMINGTON,

TUESDAY, JANUARY 14, 1806.

On Saturday the 28th ultimo, New-York and Philadelphia experienced an extremely severe gale of wind, accompanied by a heavy rain. The shipping in the harbours were considerably damaged, and several vessels with their cargoes sunk. In the latter place much injury was done to the houses, fences, &c. The New-York Morning Chronicle of the 31st observes "It is impossible at this moment to ascertain the amount of loss. It is undoubtedly great. We cannot but anticipate melancholy accounts from our shipping on the coast."

Extract of a letter from a mercantile house in Liverpool, to a Correspondent in Charleston, dated Nov. 8.

"It is not in our power to detail the circumstances, [alluding to the successes of the French in Germany] but they are fully stated in the papers, some of which will doubtless reach you; but we feel ourselves called upon to protect the interests of our friends, by advising that the circumstance is considered in a most serious point of view by men of business, as it may affect our nearest commercial arrangements with the Continent, and thus situated, we should recommend the greatest caution till you have further advices."

"We defer for a few days handing you a Price Current, but in our Cotton Market very little is doing, and it is much to be feared that political occurrences may be felt seriously on all our markets."

Latest from France.

NEW-YORK, Dec. 31.

By the brig Sally Tracy, captain Shidley, in 38 days from Bourdeaux, the editors of the New-York Gazette have received papers to the 10th of November.

The French army under the command of the Emperor Buonaparte, was pursuing its victorious career in Germany.

Buonaparte has fixed his head-quarters at Braunau, a well fortified town in Lower Bavaria, distant 160 miles from Vienna, which was captured after it had been possessed by the Russians, who fled at the approach of the French troops, leaving behind them 45 pieces of cannon, &c.

The king of Prussia has declared his resolution of remaining neutral.

Third Bulletin of the Army of Italy, Head-Quarters at Vago, 6th Brumaire, year 14.

After the affair of the 7th the army took up its position at Vago, two miles below Calciero. On the 8th at two in the afternoon it attacked the enemy along the whole line. The division Molitor, forming the left began the action, that of General Gardanne attacked the centre and that of General Dunuscus the right. These different attacks were well executed and happily conducted. The village of Calciero was carried amidst the cries of long live the Emperor!

At half past four, Prince Charles gave orders for his reserve consisting of 24 battalions of Grenadiers and several regiments to advance. The action then became hotter. His Majesty's troops displayed their accustomed intrepidity; the cavalry made several charges and every time with success; the battalions of the Grenadiers of the reserve were engaged at the same time, and the bayonet decided the fate of the day. The enemy caused to play on us upwards of thirty pieces of artillery which lined his entrenchments. But notwithstanding the obstinacy of his resistance he was put to the rout and pursued to the foot of the redoubts beyond Calciero.

We have taken 3,500 prisoners, the field of battle is strewed with Austrians; the number of their killed and wounded is at least equal to that of their prisoners. Prince Charles has asked for a truce in order to bury the dead.

Our loss is very inconsiderable in comparison to that of the enemy.

The Marshal General in Chief bestows the highest praise on the courage and attachment of the army; he purposed noticing more particularly the noble actions which have signified this day, and laying before H. M. Emperor and King the names of those brave fellows to whom the honor of it is due.

After the expiration of the term agreed on with Prince Charles, gen. Massena attacked & carried the brige of the old castle of Verona, crossed the Adige and assembled his army at Zevio and in the environs, which enabled him to march wherever the enemy might attempt a passage. The Austrians defended the passage of the bridge in force, but was routed and pursued to the heights. Re-enforcements sent by Prince Charles, arrived from all parts, and the two armies continued fighting with great obstinacy from 4 in the

morning until 6 in the evening; at length the French drove them from all their positions and destroyed their entrenchments.

HANAU, Oct. 29.—According to private letters from Suabia, the Imperial Royal Quarter master general, Lieut. Field Marshal General Mack, had several audiences of the Emperor Napoleon, before his departure for Austria, which lasted for three hours each time; and at his departure general Mack received two letters in the own hand writing of the French Emperor to the Emperor of Germany. It is observed that at the same time, that, of all the Austrian Generals, general Mack alone obtained the favor to travel through the French army by the way of Munich to Vienna. It is likewise supposed, that the dispatches sent after the Archduke Ferdinand, contained proposals for peace.

NEW-YORK, Jan. 1,

We were informed last evening, that on the margin of a letter, received by the brig Sally Tracy, from Bordeaux, it was stated, that never had just reached that place, that there had been a general battle between Massena and the Arch-Duke Charles, which terminated in the loss of 15,000 of the Arch Duke's army. This news may be true—the letter comes to a person of respectability, and is later than our printed accounts from France.

DIED

On the 9th instant, on board the brig Sophia, Mr. CUTTHEBT THORNHILL, a native of Jamaica.

PORT OF WILMINGTON.

ENTERED,
Jan. 8, Sch'r. Ann, White, Charleston
9, Ailey Ann, Jones, Ditto
11, Sloop Sally, McLean, Barbadoes
13, Brig Amphitrite, Hill, St. Bartholomew—Cargo, 31 puncheons rum, 2 hds. tierce and 17 lbs. sugar, 66 lbs. fruit and 2 of ginger; to T. N. Gautier & Co.
Brig Nancy, Berry, Barbadoes

CLEARED

Jan. 7, Sch'r. Hiram, Pepper, Charleston
Brig Columbia, Stoddard, Liverpool
9, Schooner Aurora, Lee, New-York
13, Brig Lucretia, Morris, Barbadoes
Cap. McLean left at Barbadoes the brig Oliver Peabody, 37 days from Portsmouth, New-Hampshire.

The schooner Frederick, William Appleton, master, sailed from Nantz Sept. 16th, bound to Boston, and on the 30th was dismasted in lat. 43° 56' long. 31° W. being left destitute of either spars, sails or rigging. The gale continued about 18 hours from N. N. W. and then moderated and shifted to S. E. On the 8th of October, in lat. 41° 36' N. long. 45° W. spoke the ship Arcturus, capt. Main, from New-York bound to Bordeaux, who kindly supplied me with two spars, a yard and topmast. On the 14th, lat. 42° long. 41°, spoke brig Hope of Boston, capt. Genins, bound to Charleston, S. C. who kindly supplied me with a topmast, fore-topsail-yard, jib and staysail, and two lbs. twine. On the 29th Nov., lat. 56° 12' N. long. 60° W. spoke ship Julius, capt. Luke Hall, from Charleston bound to Cowes, who supplied me with provisions of every kind sufficient for 40 days, spars, sails and sundry other things which I was much in want of. Dec. 11, lat. 33° 4' N. long. 73°, spoke schooner Gov. Strong, capt. Chase, who supplied me with provisions and some other articles. On the 27th, lat. 33° N. long. 73° 10' W., spoke ship Hudson, captain Thomas, who supplied me with some water and a barrel of bread. On the 4th of January spoke the sch'r Ailey Ann, capt. Owen Jones, who assisted me by towing me into Cape Fear River after being dismasted one hundred and one days. To these gentlemen I return thanks for their humane assistance, and shall always feel myself indebted to them for the same.

Wm. APPLETON.

PRICES CURRENT.—WILMINGTON.	Dls. Cts. Dls. Cts.
BACON per 100 lbs.	9 —10
Coffee per lb.	35 —36
Corn per bushel,	60 —65
Meal do.	none—
Flour per barrel, new	7 —
Ditto per half barrel, new	4 —
Lumber per M. plenty	13 —14
W. o. hhd. staves,	26 50—
R. o. do. do. do.	12 —
W. o. bl. do. rough	12 —13
Shingles per 1000,	2 25—2 50
Molasses per gallon	40—
Rum, W. I. pr. g. 3d p.	50—
—Jamaica do. 4th p.	1 —
—N. E. do.	50—
Tar per barrel,	1 25—
Turpentine,	1 42—
Tobacco per cwt.	4 —50

POR SALE.

At the Subscriber's Cellar under the new Market-House,
COGNAC Brandy, Holland Gin, Liqueur
Oil, Spermaceti Oil, Green Paint, Raisins,
Figs, Prunes, Filberts, Almonds, Venicelli,
Split Pease, moulded Candies of a superior
quality, and a parcel of

Fresh Garden Seeds.

F. FONTAINE.
Wilmington, January 14, 1806.

Just received from New-York and for sale at
the Printing Office.

An additional Supply of
Books & Stationary.

Wilmington, Jan. 14.