

CASE OF THE IRRESISTABLE.

The constitution of the United States confers on Congress the power " to define and punish piracies and felonies com:nitted on the high seas, and offences against the

law of nations,"—Art. 1, sec. 8.
"The Federalist," (No. 42,) says this power "belongs with equal propriety to the general government; and is a still greater improvement on the articles of confederation. These articles contain no provision for the case of offences against the law of nations; and consequently leave it in the power of any indiscreet member to embroil the confederacy with foreign nations. The provision of the federal articles on the subject of piracies and felonies, extends no further than to the establishment of courts for the trial of these offences. The definition of piracies might, perhaps, without inconveniency, be left to the law of nations; though a legislative definition of them is found in

most municipal codes."
On the 30th April, 1790, Congress passed " an act for the punishment of certain crimes against the United States," (among others, the crime of piracy,) the 8th section of which is in these words:

And be it enacted, That if any person or per-sons shall commit upon the high seas, or in an river, haven, bason or bay, out of the jurisdic tion of any particular state, murder or robbery, or any other offence which if committed within the body of:a county, would by the laws of the United States be punishable with death; or if any captain or mariner of any ship or other vessel, shall, piratically and felo-niously rnn away with such ship or vessel, or any goods or merchandize to the value of fifty dollars, or yield up such ship or vessel volun-tarily to me sixty. tarily to any pirate; or if any seaman shall lay violent hands apon his commander, thereby to hinder and prevent his fighting in defence of his ship or goods committed to his trust, or shall make a revolt in the ship; every such offender shall be deemed, taken and adjudged to be a pirate and felon, and being thereof convicted, shall suffer death: And the trial of crimes committed on the high seas, or in any place out of the jurisdiction of any particular state, shall be in the district where the offender is apprehended, or into which he may first

be brought.

At the February term of the Supreme Court of the United States, 1818, however, there came on the case of the U. States vs. Palmer et al.; certified from the circuit court for the Massachusetts district -Palmer and others, citizens of the United States, had gone upon the high seas, entered and robbed the Industria Raffa elli, a Spanish ship, of various articles. In this case, the question arose, (to use the language of the Chief Justice) " whether this Act extends farther than to American citizens, or to persons on board American vessels, or to offences committed against citizens of the United States ? The constitution having conferred on Congress the power of defining and punishing piracy, there can be no doubt of the right of the legislature to enact laws punishing pirates, although they may be foreigners, and may have committed no particular offence against the United States. The only question is, has the legislature en-acted such a law? Do the words of the act authorize the courts of the union to inflict its penalties on persons who are not citizens of the United States, nor sailing under their flag nor offending particularly against them?'

The court finally came to the decision. that " the crime of robbery, committed by a person on the high seas, on board of any ship or vessel belonging exclusively to subjects of a foreign state, on persons within a vessel belonging also ex-clusively to subjects of a foreign state, is not a piracu within the true intent & meaning of the act, "for the punishment of cer-tain crimes against the U. States, and is not punishable in the courts of the United

To supply this omission, a new provision was deemed to be necessary; and it is understood that with this intention the last Congress adopted the 5th section of act to protect the commerce of the United States, and punish the crime of piracy"-passed on the 3d of March, 1819. The 5th 5 is in these words:

And be it further enacted. That if any person or persons whatsoever shall, on the high seas, commit the crime of piracy, as defined by the law of nations, and such offender or offenders shall afterwards be brought into, or found in, the United States, every such offender or of-fenders shall, upon conviction thereof, before the circuit court of the United States for the district into which he or they may be brought, or in which he or they shall be found, be punished with death.

The case of the Irresistable, which came before a special term of the federal court for this district, is perhaps the first case which has been argued under the act of 1819. The reader will perceive from the following hasty sketch proceedings, that a point of some importance has also grown out of the new act of

On Monday, the Hall of the House of D-legates was filled by a large concourse of spectators. The court was opened the Chief Justice on the bench.-Mr. Stanard, the U. States' Attorney, ap peared on the part of the U. States Messrs. A. Stevenson and W. Wickham on the part of the prisoners; Messrs, Gilmer and Bouldin the two other counse whom the court had added to the defence being prevented from attending, the first

-by indisposition, the last by absence, The prisoners (21 in number) had been variously charged in three different in dictments; one, (under the act of 1819, wasforrobbing a Spanish vessel; another under the same act, for robbing a Dutch vessel; the third, under the act of 1790,

for robbing an American vessel, Samuel Poole was first put to the bar, under the first indictment, charged with baving piratically and feloniously set up-on, bearded, broke and entered " a cerrain Spanish vessel or brig belonging to certain persons whose names are as well as is that of the said brig unknown," and robbed her of Spanish milled dollars.

The prisoner being arraigned and the jury impanuelled, seven witnesses were

sworn in.

Samuel Staniy (a youth of 18.) gave a clear and particular statement of the transaction. He stated, that he had belonged to the armed vessel the Irresistable; thut while she was lying in the port of Margaritta, about a mile from shore, about 1 or lock in the merming, she was ent out by the crew of the privateer.

Ind boarded a Spanish vessel, with log wood on board, and took from her, (as he understand took from her, (as he understand to Petion's Satout Sa

Creola. Such of the crew of the Irresistable, as wished to go ashore, were permitted to do so. The crew of the Creola said they were that the departure of Bon Louis from the U. States has some meaning in it.

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Creola. Such of the crew of the Irresistable, as wished to go ashore, were permitted to do so. The crew of the Creola said they were on board of any of the vessels you saw?—A. No; we would not have disturbed the vessels. (Q. What colours did you assume? A. No particular ones; sometimes one flag, sometime another; tlags of different nations. Q. Who appointed the officers, and how? A. They were appointed by the crew of the Creola; (but witness could not tell particularly the manner of their appointment.) They brought too a Spanish vessel, off Cape Awtonio, from whom they took \$2300. During all the time of the cruze he was on board of the Irresistable, as wished to go ashore, were permitted to do so. The crew of the Creola said they were on board of any of the vessels you saw?—A. No; we would not have disturbed the vessels. (Q. What colours did you assume? A. No is to take Spanish and Portnguese.

John McFudden—was 1st lieutenant on board of the Creola; (but witness could not tell particularly the manner of their appointment.) They brought too a Spanish vessel, off Cape Awtonio, from whom they took \$2300. During all the time of the creuze he was on board of the Irresistable, as wished to go ashore, were rested to open on the 24th of March the mutiny took place; they seally and quell them; they said they were net going to take our brig, but captain before the mast. (Q. Did you board a number of the creuze he was on board of the Creola; (but witness could not they brought to take Spanish and Portnguese.

PIRACY.

CASE OF THE IRRESISTABLE. of the cruize he was on board of the Irresistable; towards the last of it, he was made master's mate; before which time, he had been before the mast. (Q. Did you board a number of vessels? A. We did. Q. Were they also plundered? A. Some of them were. Q. What became of the money found in the Spanish vessel? A. It was shared among all hands. Q. Did you come into the waters of the United States? into the Chesapeak Bay? A. We did. Q. What became of the vessel? A Commodore Damels sent down, and took possession of her Witness said the crew had abandoned and dispersed (One of the Ligraguera.) Was it from apprehension? A. I cannot tell that. Being asked to specify the different flags under which they had sailed, he mentioned the Spanish, Brenos Ayrean, and English. The Buenos Ayrean flag was flying when she took the Spanish vessel.

he Spanish vessel the Spanish vessel.

On cross examination, Stanley said, that he had sailed in the fire sistable about 6 or 7 months before she was taken by the crew of the Creola; that she had sailed from Baltimore. to make prizes under a commission from Gen, Artigas. (Q. Did you not take vessels un-der the flag of Buenos Ayres? A. No. Q. Did you not conceive you had a right to take

Did you not conceive you had a right to take them? A. No. We could have taken them many a time. Q. Would you not have taken the Creoia, if found out of port? A. No. Q. Were you not apprized of there being a war between Buenos Ayres and General Artigas? A. I was. We had it in our power to take Buenos Ayrean privateers from Baltimore, but we did not attempt it. Q. While in the Irresistible, what prizes did you make? A. A ship and schooner beionging to the Portuguese.) Being interrogated further he stated, that when the Irresistable was taken at Margaritta, he was in her asleep, and so were her crew; that 50 or 60 of the crew of the Creola had boarded her. (Q. Do you know Poole? A. Yes. Q. Did you see him that night? A. No; not till the morning. They drove us below, and we had no chance of seeing till morning.) He stated that the Irresistable was the strongest stated that the freesistable was the stronges vesset; she mounted 16 gims; the crew of the Creola had boarded her with two boats. (Q. Had you no centine!? A. Yes; batall were gone asleep. Q. How do you know then you were boarded with boats? A. I heard the capt. so say, as well as several of the people. Q. How many were there in the crew of the freesistable? A. A. bout 25 or 30 Q. Was the prisoner very active A. He was, Q. Who seemed the leader among them at that time? A. Ferguson, who was atterwards appointed Capt. Q. Did you observe the seements of the prisoners. Black? A. He was 1st lieutenant at first, but they broke him.) Being further questioned, in a desultory way, he stated that some of the old crew of the Irresistable were not willing to join ; that when told they might go ashore it was too late, being as much as fifty miles from land; that in the course of the cruize, they spoke about 30 or 40 vessels, English, French, American, Dutch, Danes; that they

boarded an American vessel bound to St. Ja-20; searched her times and took jewely from them. (Q. When you boarded vessels did you hear an order to take Spanish or Por toguese property but no others? A. No. Q. But in boarding the American vessel, were orders given to respect American property? A. Yes.) Upon being interrogated particularly, how he came to call the vessel they took a Spanish vessel, he said she had a Spanish flag and Spanish crew. (Q. Did you go on board of her? A. No, but they brought the crew on board or is to search their vessel. She was bound from Campeachy to Havana. She had four or five in her crew, besides officers and passengers; was a very small vessel. Her captain told our captain in French he was a Spaniard.) The witness being interrogated, said he did not himself understand French or Spanish. Soon after he got to Baltimore, the witness said he was put in jail, and promises were held out to him that he should not be punished, if he gave evidence in the case: that he was taken in the vessel in the Patuxent by the Revenue Cutter. His share of the money from the prize was \$29; as to the jeweiry, it was set up and sold in the vessel, and the proceeds shared out, of which he received \$7 more. They had also plundered a Dutch vessel, from whom they had taken some hampers of from whom they had taken some tampers of gin—also one of Petion's schoeners, from whom they took clothes, money, watches, &c. which plunder was divided among the crew. Being asked by a juryman, if they were to take Spanish and Portuguese property only, why they robbed the American, he replied that they robbed the passengers only of jewelry, but did not rob the vessel. Q. Was the inwelry Spanish or American property? A. I

jewelry Spanish or American property? A. I do not know. Q. Why did you take gin from the Dutch vessel? Was that a Spanish vessel? A. No, but because we wanted it. Samuel Beaver-was one of the crew of the Irresistable, when she was seized at Margarit-ta, in the month of March fast; when taken, the boarding crew loosed her sails, and stood out to sea; have to at daylight, and sent those ashore who chose to go they said at first she was coming home to Baltimore; but they went was coming home to Baltimore; but they went a-cruizing; she carried the Margaritta flag generally; but when hoarding vessels, they used different flags—they bearded S or 10, Dutch, French, American, 2 Spaniards; one a Spanish brig off Cape Antonio; took from her \$2300. From the American vessel (the Superior) they took a cask of water and invelvent rior.) they took a cask of water and jewelry.— The money they took was shared among the crew; they sold the jewelry and divided out the money. When they arrived in the Chesathe money. When they arrived in the Chesa-peake Bay, the crew was called together, and divided; those who were for going out again went to one part of the vessel, the rest to an-other; the strongest party was for coming in, and the vessel was brought into the Patuxent. and the vessel was brought into the Patuxent.
Q. Had you orders to respect particular vessels? A. No; we boarded one and all. We were prepared to take specie wherever we could find it. Q. What was the station of the prisoner in the Irresistable? A. He was captain of foretop, and master's mate.

Cross-examined—hestated, that 18 of the crew of the Irresistable were set ashore at Margaritta, that he did not try to get ashore.

ritta; that he did not try to get ashore, be-cause he did not wish to be drowned; the boat being leaky, and full of men and clothes; that he was below and drunk when the vessel was taken; that capt. Ferguson had told them at first he had a commission; but two days after he told them he had not; that after they found there was no commission, then they determined to board every thing. Q. When you went on board of a vessel, were you not told to take nothing but Spanish or Portuguese property. A. Yes; but if we saw any specie, it was ours.
Q. Had you orders to take money wherever found? A. Yes....He stated that he was arrested in Baltimore, and was told he should get a dollar and a quarter a day while attend-

ing as a witness.

John Donuld—was one of the crew of the Creola; shipped at Baltimore under the B Ayrean flag, for a 90 days' cruize; at Margaritto the vessel was sold; and they had none to teturn home in; and were told the governor of Margaritta meant to press them. Captain Daniels had told some of the crew, whom he wished to entist with him in the service of Veuezuels, to which he had become attached that if they did notjoin him, he would have them put into the fort, and fed on bread and water. Donald said, when he was asleep be-low one of the crew of the Creole (who rose upon the verse;) came down to his birth, and threatened to blow out his brains if he did not join them in going against the Irresistable.— They went in (wo boats, and seized the latter vessel; secured the meu and boisted sail. The officers of the Creols were confined during the mitiny. Ferguson and Black were the leaders. Ferguson was proposed on the quarter deck of the freestable as captain - no one objected, and he was appointed officer. They had boarded a Spanish vessel, with logwood

ed the mutiny, but Black told them, they would be strung on the beach and hunglike dogs; they then sung out," as we have begun, let us go through with it:" they took all the arms from the Creola; they said all might stay who chose; they wished none but volunteers; only 4 or 5 remained behind; capt. Daniels other vessel tried to pursue the Irresistable next morning, then in sight (about 20 miles off) from the mast head.

Being further interrogated, said the Creola had a commission from Buenos Ayres; she was

Being further interrogated, said the Creola had a commission from Buenos Ayres; she was regularly commissioned; the crew shipped at Baltimore; cruise was finished at Margaritta. They did not think themselves authorized to take a vessel under the Artigas flag; on the contrary, he had known the two flags cruize together.....Mr. Stanard—Q. Does not the commission expresly restrict you from taking South American Sounish property? A Yes. it South American Spanish property? A. Yes; is against the property of the subjects of the

king of Spain.

Henry Child—had been the first officer of the
Irresistable—was below when the Creola crew came on board; he attempted to go up with a cutlass, but was taken and confined; they told him, as soon as things were arranged, they would give him the boat, and let him go ashore. Word was passed fore and aft for every one who wished to leave the vessel to go in the boat : he and 19 men left it-the boat was in leaky condition-much baggage in it; but had any more been willing to go with him, the baggage would have been thrown overboard. They overhauled his and Capt. Daniels' trunks, for the vessel's commission; but finding none, Ferguson said he could easily make papers for himself. When the Irresistable first arrived himself. When the Irresistable first arrived at Margarita, the captain had taken all the pa pers on share, to deposit them at the govern-

Captain Paul-was the commander of the Creola-was asleep in the cabin, when the alarm was given; was suffered to go to the upper step of the gangway—was told they did not in-tend to impro-his vessel, but to take possession of the Irresistible-after leaving his vessel, he had fired at them; then went on board Capt. D's other vessel, which chased them 8 hours in vain. Capt. C. being asked the date of his commis-sion said the original had been sent to Buenos Ayres; but a copy he had of it bore date in Sept 1815. It did not justify him in taking any but Sounish property.

nt Spanish property.

Capt. Daniels—was the commander of the Irresistable-after the alarm was given, he was ordered by the Governor to pursue her; but to no purpose; her boat returned ashore with 20 officers and men. The Irrisistible had been engaged by the Governor to sail to Venezuela

The Evidence being gone through, the Court directed the Jury to be kept to-gether, and adjourned till next morning. On Tuesday morning the argument commenced—and we are sorry we cannot pursue it in detail. There were both eloquence and ingenuity displayed on the occasion,-Mr. Stanard addressed Jury about an hour-On the part of the prisoner, Mr. Wickham spoke about half an hour, andMr. Stevenson about an hour. -Mr. Stanard closed on the part of the United States.

The counsel on the part of the United States laid down the law, and analysed the evidence—he called upon the jury, among other things, to lend their aid in putting down that system of brigandage, which was tarnishing the reputation of our country, and demoralizing our seamen. cited the following passage from Bynkershoek, to shew what was piracy as defined by the laws of nations:

We call pirates and plunderers those, who, without the authorization of any sovereign, commit depredations by sea or land, &c. &c.

The counsel on the other side, contend-

ed that the words of the act of Congress were too vague and loose, to authorize the jury to dip their hands in the blood of a fellow citizen ; that piracy was a general term, not clearly nor sufficiently defined in the lzw of nations; that the great fathers of the church to whom you would look for a definition, gave no satisfaction upon it. What says Grotius ? Not one syllable. Putiendorf? Profoundly silent. What Barbeyrac? Domat? Rutherford? Montesquieu? Wolfius? Vattel? Not a solitary word, by way of definition: and the reason was, that it had been left to the municipal laws of different countries to define it, and therefore the law of nations had not. We have only the defin tion of one Dutchman, Bynkershoeck, and even with that his commentator Du Ponceau had expressed his dissa tisfaction.... And, yet the jury were to say upon their oaths that piracy had been defined by the law of nations. did not Congress do their duty, in the exercise of their constitutional powers. and make a rule which might be understood by the judiciary of the country? If they had failed in doing their duty, it was their own look out; but surely no ury would take upon themselves to by their verdict the law had been defined when it was not; or upon such vague, general expressions, take the life of a fellow citizen.—The counsel by way of analogy attempted to show that if Congress had referred to other cases as de fined by the law of nations, as territorial jurisdiction, the right of search, &c. how fiscordant the writers, and how unsettled the doctrines are upon these subjects... Men, too, highly distinguished in this country had differed upon the definition of piracy. The gentleman (who presided in that court) had in another piace Congress) in the case of Jonathan Robbins, declared that not only an actual robbery, but cruizing on the high seas, without a commission, and with an intent to rob, was piracy .- Whereas, now, the U. States Attorney says actual robbe ry is necessary to constitute the offence, Reference was also had to the constitu tion by which congress is to define pi racies and felonies committed on the high seas, and offences against the law of nations, to show, that the former are distinguished from the latter, as if not rank ed among the " offences against the law of nations."-The evidence was then analized, and commented on-It was the testimony ofaccomplices (always suspicious) and here bro't from the duresse of a jail taking its colour from the bopes and fear of the witnesses. It was attempted to be roven that they had contradicted them selves, and each other-that there was no satisfactory evidence of this being a Spanish vessel as charged in the indictment That this act of Congress was passed but 10 days before they left Margarita: they could not have known of it; and therefore it is as to them in the light of an export facto law, &c. &c. A particular and pathetic appeal was made in favor of Poole who had served gallantly in the navy of

his country during the late war. Mr. Stanard replied to both gentlemen | ted,

whether they at considerable length.-He denied the! vagueness which was ascribed to the law of nations on the subject of piracy, and the other points touched upon. ported the authority of Bynkershoeck. Vattel, B. 1, ch. 19, had denounced "all villains who, by the quality and habitual frequency of their crimes, violate all publie security, and declare themselves enemies of the homan race. Thus pirates are brought to the gibbet by the first into whose hands they fall !" Blackstone, the Vade meeum of all lawyers, says, "A pirate is an enemy of the human race. Even if writers on the law of nations had adopted different definitions of piracy where was the pefinition of it that would not embrace the case of these men-whose lawless depredations came up to age definition of it which had ever been given After developing this idea with great force, and ridiculing the pretension, that had been suggested, that these men had the right, under the commission belonging to the Irresistable, to capture Spanish property, he returned to the analysis of the testimony; he showed why the testimony of accomplices should be received otherwise, the most atrocious offences might escape with impunity. He concluded by a strong appeal to the Jury in favor of the law-that the honor of our country required that the law should be put in force, against brigands who not only sallied from its waters, to collect plander, but returned to them as the scene for its partition, and as a sanctuary where they expected to escape the punishment of their crimes

their crimes.

CHARGE OF THE COURT.

The Court then charg d the jury in substance that the prisoner at the bar was indicted for cruizing on the high seas without any commission & boarding and plundering a Spanish vessel or vessels belonging to some power to the jurors unknown, and piratically taking out of such vessel a sum of money, which the crew divided among themselves. The essential objects of enquiry were, whether the prisoner at the bar was engaged in such cruize without a commission, whether the robbery charged in the indicturent was committed by him and others so cruizing as aforesaid, and whether the fact amounted to piracy under the act of Congress. act of Congress,

act of Congress.

The fact of cruizing and plundering the Spanish vessel was proved by the testimony of accomplices, and it was contended by the counsel for the prisoner that they were totally provents of credit unworthy of credit.

It is undoubtedly true that the testimony of accomplices is to be heard with suspicion; and it their testimony should be improbable or contradicted by circumstances, or by other tes timony; the jury might justifiably discredit it but if all the circumstances of the case, circumstances which could not be misraken or misrepresented, corroborated the testimony of the accomplice, and in fact were merely con-mected by that testimony, it would be going too far to say that the facts supplied by the witness were to be disregarded because he was an accomplice. But in this case one of the witnesses—Donald, had been acquitted by the Grand Jury, because he was forced on board the vessel, and his testimony concurred with that of the other witnesses in all that was material.

If the robbery was committed, their next enquiry would be, whether the vessel commit-ting it, sailed under a lawful commission. There was not only no testimony whatever of a commission, but all the facts given in evi-dence were totally incompatible with the idea of sailing under any authority whatever. The crew of one vessel had mutinied, seized an

crew of one vessel had mutined, serged another vessel, and proceeded on a cruize under officers elected by themselves.

The question whether the case came within the act of Congress was one of more difficulty. It was impossible that the act could apply to any case if not to this. The case was undoubtedly piracy according to the understanding and practice of all nations. It understanding and practice of all nations. It was a case in which all nations surrendered their subjects to the punishment which any government might inflict upon them, and one in which all admitted the right of each to take and exercise jurisdiction. Yet the standard referred to by the act of Congress, as expressed in that act, must be admitted, to lesso vague as to allow of some doubt. The writers on the law of nations give as no definition of the crime of piracy. Under the doubts arising from this circumstance the contractors. from this circumstance, the court recommend-cd it to the jury to find a special verdict which might submit the law to the more deliberate consideration of the court.

The jury retired but for a few moments and brought in a special verdict, similar to the one which we have given in full,

A Jury was then impannelled, and the case of ten others of the crew (charged in the same indictment) was with their consent submitted at once to trial; the evi dence gone through, and the Jury return-

ed the following special verdict:
We of the jury find that the Prisoners Baily Durfey, William Chappels alias William Chappel, Daniel Phillips, James Thomas alias Ismes West Daniel Irinston West, Daniel Livingston, Luke Jack son, Stephen Sydney, Peter Nelson, I-aac Sales, and Peter Johnston, were in the month of March 1819 part of the crew of a private armed vessel called the Creolla(commissioned by the government of Buenos Ayres, a colony then at war with Spain.) lying in the port of Margaritta; that in the month of March 1819, the said prisoners and others of the crew mu-tined, confined their officers, left the vessel and in the said port of Margaritta seized by violence a vessel called the Irresistable a pri-vate armed vessel lying in that port commis-sioned by the government of Artigas who was also at war with Spain; that the said prisoners and others having so possessed themselves of the said vessel the Irresistable, appointed their officers, proceeded to sea on a cruize without any documents or commission whatever, and while, on that cruize in the mouth of April 1819 on the high seas, committed the offence charged in the indictment by the plunder and robbery of the Spanish vessel therein mentioned. If the plunder and robbery afore-said be piracy ander the act of the Congress of the United States, entitled "An act to pro-tect the commerce of the United States and punish the crime of piracy"—then We find the said prisoners, severally and respectively, guil-ty; if the plunder and robbery above stated be not piracy under the said act of Courses be not piracy under the said act of Congress, then we find them not guilty. JOHN G. GAMBLE, Foreman.

The court then adjourned,

Wednesday-John Green was put to the bar under the 1st indictment. The defence set up for him was, that he had been forced to join the enterprize, and did not assent to the proceedings of the others. The defence tailed, and the same special verdict given as in the case of the len others

Same defence and result in the case of

Thomas Smith. Henry Anry, alias Henry Andris, and John Fuller, were put to the bar-same defence, and same special verdict. John Allen Stedmen and John Waldo were tried at once under the 2d indict-

ment for robbing a Dutch vessel. Neither of them belonged to the crews of the Creola or Irresistable; but were part of the crew of the Atlas, an American vessel, they spoke at sea, bound from Teneriffe to New Orleans. They joined the Irresistable. The defence set up, was that they were ignorant of the character of the vessel when they joined her. Verdict of acquittal. (These menwere not indicted for robbing the Spanish vessel which was posterior to their joining.)

Thomas Watson put to the bar under the 1st indictment-he came out of a Danish barque or Dutch brig-no vessel proved to be robbed after he joined them-Acquit-

Francis Oglesby, charge ! under the 1st indictment, was one of the Irresistabl the defence was, he could not safely leave her after she was captured. A special verdict (with few variations) similar to the rest.

The court adjourned.

LAST CLASS OF CASES. Vesterday, the court proceeded to try William Chappels, charged under the 3d indictment with robbing an American vessel (the Superior of Baltimore) This indictment, as will appear from the former elucidations, rests, not upon the act of 1819, but of 1790. The first, relates to Foreign vessels; the last, by the decision of the supreme court, to our own.

Mr. Stanard on behalf of the United

States-On that of the prisoner Mr. W. Wickham and Mr. James Riddle, who a the request of the court, assisted in the

Black, a witness on the part of the prosecution, and who had been first Lt. on board the Irresistable, stated that the captain of the Superior came on board the privateer, the captain of which (Furguson) knew him to be an American capt. (an acquaintance of F's, at Baltimore)
(bat the American captain told F, he had Spanish pas engers and property on board his s hooner; and that F. then gave instructions to his boarding crew, to respect the American property, but to bring with them all the valuables they could find on board belonging to the Spanish passengers-Black stated that he was told by F. that this captain was an American captain; and says that he himself saw the American register,

The counsel for the prisoner asked if he knew the register to be a genuine one-to which he replied he did not.

They then moved the court to instruct the jury, 1st, that to prove her to be an

American vessel, it was necessary that her register, or an authenticated copy of it should be produced in court; 2dl., that the capture of Spanish property an American vessel was not piracy under the act of Congress. The Chief Justice observed, he had

little doubt such a capture was an set of piracy in the eye of the law, and as to the other point, he should suspend his opinion. But, if the jury should be inclined to think, that the Superior was an American vessel, he recommended it to them to bring in a special verdict, reserving the question whether she could be proved American property without the production of her register, or a copy under seal-And that they might also reserve the point as to the Spanish property

found on board of her.
The jury retired, and brought in a verdiet of not guilty.

The U. S. Attorney then stated to the court, that he had no further business for a jury, and they were accordingly dis charged-the witnesses recognized appear at the next term of the court in November next.

The other cases under the 3d indictment will be over until the the prosecu tion can obtain the register, and other evidence as to the fact of American ow nership. The point growing out of the act of

Congress of 1819, and reserved in the several special verdicts, will probably b adjourned to the Supreme Court at Wash In the case of Thomas Watson a note

pros. has been entered up by the attorney. The other prisoners will probably remain in jail unt I the winter, to await their fate

We have taken some little pains to report The sease to the public. The scenes of out-rages on the high seas which they develope, belong to the history of the times. Such scenes ought to be understood. To repress them, should be the wish of every American, who ralues his country, her character and her laws. We owe it to the civilized world to ar-rest such lawless outrages persent at the rest such lawiess outrages, perpetrated by vessels and by crews who have their equipment and their sanctury in our own ports. If the law be so weak that pirates can escape through its meshes, let us strengthen it. Let Congress do their duty, and not leave it to judges and puries to do it for them. If the law then be undefined in its provisions, let them give clearer and more practical definitions. give clearer and more practical definitions.

COMMUNICATED.

DIED]—At his residence in Louisa county, on the 26th inst. Mr. JAMEN BURNLEY, Jr. after a lingering indisposition of several months. He had lived to an advanced age, and was generally respected by all who knew him.

Office On the 24th July I took from on board of teham Cousins' boat, one barrel of FLOUR branded "Haxail," and of the Richmond inspection superfine. This is a notice to those it may concern, to call, prove property and pay charges, or 1 will sell it for the same.

WM. PIGGOTT, Inspector of boats, Lock Harbor Heurico, July 30.

24..wGw

Heurico, July 30.

21. wgw

OTICE.—whereas I entered into a contract with
Mr. EVERARD HALL, of Princess Anne county,
on the 22d of May 1818, relative to the establishment of
certain Salt Works, at Nott's Island and elsewhere; since
which time circumstances have transpired, from which
I deem the said contract null and void from the com
mencement: i, therefore, thus publicly give notice to
all persons whatever, that I do not consider myself bound
by any contracts which Everard Hall may have hitherto
entered into, or may hereafter enter into, by virtue of
said aforementioned contract, or otherwise—hereby
forewarning all persons from crediting the said Everard Hall, on the faith of my responsibility.
July 30.

24. 66 WM. BLACKLEPGK.

July 30. 24..6t WM. BLACKLEDGE.

MR. WILLIAM L. ADAMS—You will please to take notice that I shall, on the ninth easy of October next, between the rising and setting of the sun of same day, at the house of Sarah Williamson in the county of Fluvania, proceed to take the affidavits of Thomas W. Omobundro and others, to be read as evidence in a suit in chancery in the county court of Amberst, in which I am defendant and you are plaintiff.

MARY E. WOOLLING, Adm's of Jaly 30. 24..868 Joseph Woolling, dec.

James River Land for Sale.

THE subscribers wish to dispose of a tract of LAND.

James River Land for Sale.

The subscribers wish to dispose of a tract of LAND lying in the county of Powhatan, on James river, about 24 miles above Richmond, and in the neighborhood of several manufacturing mills. Ibis tract centains by a late survey 3664 acres—one third of which is well timbered, the cleared land of prime quality, clay foundation, and may be greatly improved by the use of plaster and clover; is well adapted to the calture of tobacco, corn, wheat, and other kinds of produce raised in this part of the state. It is thought unnecessary to give any further description, presuming persons disposed to purchase will visw the land, which will be shown by Mr. W. Wilson, who resides on the place.

The above tract of Land will be offered at public sale, at Powhatan Continonse, on Thursday the 16th day of September next, under the management of W. C. & G. CLARKE.... Terms, one baff carh, the balance in twe qual payments, at inne and eighteen months, te be secured by deed of trust on the land.

N. CHANCERY.... At a court held for Prince Edward.

A copy-Teste, B. J. WORSHAM, D. C.



WASHINGTON, July 28 .- It is now understood, that the arrival of the Presifent at the Seat of Government has been anticipated too soon. He is not now ex pected, we believe, before the 8th or 10th of next month. [Not. Int.

LORD BYRON.

We copy the following letter from his Lord-ship from Galignani's Messenger, an English daily paper of much repute, which is pundsh-ed in Paris: In Paris: To the Editor of the Galignani's Messenger

To the Editor of the Galignani's Messenger.
Sur.—In various sumbers of your Journal, I have seen mentioned a work entitled. The Vampire," with the addition of my name as that of the asthor. I am not the author, and never heard of the work in question until now. In a more recent paper, I perceive a format aumoreiation of "The Vampire," with the addition of an account of my "Residence in the Island of Mitylene, "au island which I have occasionally sailed by, in the coarse of travelling some years ago through the Levant, and where I shall have no objection to reside, but where I have never yet resided. Neither of these performances are mine, & I presume that it is neither usjustner ungracious to request it is not there us just nor ungracious to request that you will favor me by contradicting the advertisement to which I alinde. If the back is clever, it would be base to deprive the real writer, who ever he may be, of his honors; and if stupid, I desire the responsibility of nobody's duliess but myon.

if stepid, I desire the responsionity of hobody a dainess but myown.
You will excuse the trouble I give you; the importation is of no great importance, and as long asit was confined to surmises and reports, I should have received it, as I have many others, in silence. But the formality of a pub-lic advertisement of a book I never wrote, and a residence where I have never resided, is rather too much; particularly as I have no no-tion of the contents of the one, or the incidents of the other. I have, besides, a personal dis-like to Vampites, and the fittle acquantance

like to Vampires, and the fittle acquaintance I have with them would by no means induce me to divulge their secrets.

You did mea much less injury by your paragraphs about my "devotion" & 'abandonment of society for the sake of religion" which appeared in your Messenger during last lent; all or which are not founded on fact; but you see I do not contradict them, because they are merely personal, whereas the others in some degree concern the reader.

You will oblige me by complying with my request of contradiction; I assure you that I know nothing of the work or works in question; and have the honor to be, (as the correspondents to magazines say) your constant reader and very obedient humble servant, Venice.

Notice.

BYRON.

Notice...William Patterson's Thomas A. Ponsoning, of the time of Patterson's Ponsoning, faving assigned to the subscribert their stock of goods, and also all the debts due and owing to the said firm, in trust for the benedit of their creditors, the business will be conducted to aclogate the safe of the Invisies.

As it is the wish of the creditor, to carry into execution the narrosses of the trust execution the narrosses of the trust execution the narrosses of the credit as possible. conducted to aclose the state of the finance.

As it is the wish the first care, to carry into execution the purposes of the said firm are requested to
make humed as a word to the subscribers, or their
matterian agent. All persons having claims against
the said firm, will make then known to us.

Will LIAM KYLE,
Putterson & Thomas A. Ponsonby are appointed
on a security with full.

ed our agents, with full powers to transact any business relating to the trust above mentioned.

WILLIAM KYLE. 24..4t PHILIP MAY

July 30. 24..4t PHILIP MA) 0.

**** Worthy of Notice.*

THE SUBSCRIPTIONS to the CENTRAL COLLYGE, with the other property of that institution, heing transferred to the UNIVERSITY OF VIRGINIA. it develves on me, as Proctor of that institution, to call on all delinquent subscribers, to pay up the balance that is due on their subscribers, to pay up the balance that is due on their subscribers, to pay up the balance that is also due on their subscription. The buildings and improvements are progressing; and I trust the friends of that institution will not suffer them to stop for the want of that aid voluntarily offered by them. I therefore request all delinquents to pay, without delay, the halances due on their subscriptions to ALEXANDER GARREIT, Esq. Bursar of the University of Virginia; or it more convenient, to deposit the same in the Sauk of Virginia, to the credit of the said Bursar.

A. S. BROUKENROUGH, P. U.V.

July 30.

Roanoke Navigation Company.

At a meeting of the Directors of the Roanoke Navigation Company.

At a meeting of the Directors of the Roanoke Navigation Company, held on the 24th day of March last, it was ordered, that the stockholders in said company pay into the treasury by the first day of September next, TEN DOLLARS on each share of stock by them held.

Halifax, July 20.

Virginization Virginia Land Office, 23d July, 1819.

Virginia Land Office, 23d July, 1819.

In conformity with an act of the General Assembly, entitled, "An act to amend the several laws concerning escheats," passed February 14th, 1811, 1 do hereby make known to all whom it may concern, that it appears, by return of the escheator for the county of Isle of Wight, that the following real estate, of which a certain "Joseph Holmes, D. M. an Irishman," died acised, has been found, by inquest taken according to law, to have escheated to thus commonwealth, viz.

Two lots of ground in the town of Smithfield, distinguished in the plan of said town as No. 31 and 32, on which there is a tolerably capacious dwelling-house—and two tracts of fand in the law acres situate unestimate to the said of the containing 150 acres situate unestimate unestimate and the containing 150 acres situate unestimate and the containing 150 acres situate unestimated acres situate unestimated the containing 150 acres situated the cont and two tracts of land in the aforesaid county of Isle of Wight; one of them containing 150 acres situate using miles S. W. from the court-house, adjoining the lands of Adam Faigham and others; the other containing 51 acres, in the neighborhood of Smithheld, nine miles 8. E. from the courthouse and adjoining the lands of Samuel Whiteld and others.

WM. G. PENDLETON, Regr., The Editors of the "National Intelligencer," published in the city of Washington, will please insert the above in their paper, weekly for stx weeks in succession, and transmit their account as hereforce for payment.

21...wów WM. G. PENDLETON.