Law Intelligence.

COURT OF KING's BENCH—*Nov.* 14.

Lord NELSON v. TUCKER.

The Court gave judgment in this case, which has been argued several times. It came before the Court by Writ of Error from the Common Pleas, and the question was, whether Lord St. Vincent or Lord Nelson was intitled to the one-eighth share of prize-money in those captures which were made after the time that Lord St. Vincent left the fleet in the Mediterranean on his return home; but before he had resigned his commission as Commander in Chief. The facts of the case lay in a very short compass; Lord St. Vincent wishing to return home on account of his health, left the command of the fleet with Lord Nelson; but he was so far considered the Commander in Chief, that he received the pay and table money of that rank until the time of his resignation. Lord Nelson, on the contrary, did not receive the pay, nor even the table money as Commander in Chief until sometime afterwards, although he acted in that situation from the time that Lord St. Vincent quitted the station. In the arguments of the Bar, it was contended that by the King's Proclamation for the distribution of prize-money, the Commander in Chief was intitled to his one eighth share, although he was not present with the fleet. In delivering the judgment of the Court, Lord Ellenborough took a review of all the Proclamations on this subject from the year 1708, from which it appeared that the object of the King had been to encourage active exertion, by connecting with its natural reward a larger share of the prize-money it had gained.—Thus they had all successively abridged the claim of the Commander in Chief, by requiring that he should at least be constructively present, or some way aiding in the operations of the fleet under his command. Upon this principle they were of opinion that the acting and effective Commander in Chief was intitled to the share, and not the nominal Commander in Chief who was not present.—Judgment was therefore ordered to be entered up to the plaintiff. By this decision, Lord Nelson will gain upwards of 13,000l.

There was another cause in which a similar question occurred between Lord Keith and Admiral Pringle, which was decided in favour of the latter.

RUSSELL v. SHNEIDER.

This was an action on a policy of Insurance upon the ship Isabella, from St. Ubes to Cork, with a cargo of Salt and Fruit. It appeared in this case, that the plaintiff had specified to the Underwriter, that his vessel would sail from the Tagus on or before the 10th of November, 1802, when in point of fact she did not sail till the 17th of December.—A storm arose on a subsequent day, and the ship foundered, the crew being providentially saved by an American that had weathered the hurricane.

The defendant refused to cover the policy, on account of the risk being increased by the delay in getting the cargo on board, and the vessel having sailed subsequent to the specified time.

It, however, appearing to the Jury that the plaintiff had kept nothing back, and that he could not foresee that he should be detained for a cargo, found a verdict for him to the amount of his policy.

NEW-YORK, FEB. 1.

BILL FOR PROTECTING SEAMEN.

A writer on this subject in the Federal Gazette, says, —"I shall not dread, in advancing my own opinions, the stigma of being deemed a subject of Great-Britain. *Fiat justitia ruat cœlum* is my maxim; and taking this for my motto, I will boldly avow, that, to my conception and plain understanding, the bill, should it pass as it now stands, ought to be intitled "a bill for the *protection* of British seamen on board American vessels." One fact is within my knowledge, and is perhaps worth a thousand arguments—A vessel now in port sailed from England last August; the captain gave in a list of his men to the proper officer, swore to it, and sailed from Gravesend. After leaving the land's end, the mate came into the cabin one morning and announced that two British sailors had been secreted by the crew, and begged to receive orders for their employ. The captain was indignant at the artifice, but there was no remedy. Off the Banks, this ship was boarded by a British sloop of war; the officer examined the papers and approved them. Upon taking a respectful leave of the captain, he politely asked if he could spare any men; he was civilly refused: but surely, it will not be denied that the British officer, in a more rigorous exercise of his duty, could have mustered the men, and most undoubtedly claimed his own. *Great-Britain says, you shall not navigate your ships with my seamen; and considering the contest in which she is engaged, a struggle upon which her all depends*, she says justly, and every true American in the recollection of former intercourse, in the remembrance of his own blood, shed in defence of her liberties, in the patriotic feelings excited by the true amor patriæ, will applaud the resolve. If an abuse or abuses have taken place, a proper representation to the minister ought to secure redress—when that is denied, some argument will remain and justify measures for their correction.

NEW-BRUNSWICK.

SAINT JOHN:

Wednesday, March 28, 1804.

This morning we received Halifax papers to the 17th inst. but they furnish nothing from Europe later than the 21st Nov.

By late arrivals from the W. Indies, it is reported, that French privateers are numerous in those seas; and they appear to capture, indiscriminately, all vessels coming from, or going to, any British Islands.—A letter from a ship-master to his owners at New-York, dated Havanna, Jan. 23, says, that he then lay at the Moro —"surrounded by French privateers, and *American* vessels, their prizes."

PRICES CUR. AT FALMOUTH, Jam.—Jan. 28—Flour 13½ dollars per bbl.—beef 15—pork 19—herrings 8—salmon 12—potatoes 5 dols. per bbl. and dry-fish 4½ dols. per cwt.

Saturday arrived the Schooner Sally, Capt. Leavitt, from Turk's Island.—Sailed from thence, in company with the Schooner Thomas of this port; and was parted with March 9th, in a gale of wind.—Left ashore, at the Grand Turk, bilged, the Sch'r. Unis Barber, Dunbar, of New-London.

Capt. L. further informs, that the French at Barraco, East end of Cuba, had threatened an attack upon Nassau, (N. P.)—and that Sir Andrew Mitchell, had dispatched a squadron of armed vessels to their relief.

The Ship Salisbury, Capt. Kennedy, and the Sch'r. Experiment, Capt. Seally, both of this port, were unfortunately captured in the Caycos passage, bound to Jamaica.

War Expences.—A German calculator, states that on a moderate computation, the present war costs Great-Britain 25 guineas per minute, or 36,000 guineas per day, or about 395 millions of franks per year.

DIED] At Norton, in King's County, on the 31st Jan. last, Mrs. PRUDENCE BAXTER, wife of Mr. *Simon Baxter*, Æt. 73.

——On the 20th inst. after a tedious illness, Mr. SIMON BAXTER, in the 74th year of his age, formerly of *Alstead*, in the State of New-Hampshire.

To be Let for one Year,

And Possession given the 1st of May next,

THE HOUSE, STORE, and WHARF at present occupied by Mr. *James Laughton*, in Prince-William street. The HOUSE has three Rooms besides a KITCHEN, and a good CELLAR, with a spring of WATER in it, and an excellent GARDEN.

The House will be let separate from the Store and Wharf, if required.

For particulars apply to *Miles & Canby*, Long-Wharf.

TO BE LET,

SEVERAL genteel Apartments, consisting of a Dining Room,—Bed Room,—Servants' Room—and the use of a Kitchen and Cellar, in a central and pleasant situation.—Apply to J. SANGSTER, Prince William street.

ST. JOHN, 17th March, 1803.

At a Court of General Quarter Sessions of the Peace holden at the City-Hall, of the City of *Saint John*, in and for the City and County of *St. John*, on the *third* TUESDAY in *MARCH*, 1804.

READ a recommendation from the Grand Jury respecting the adoption of some regulation by the Court, for the taking of fish in the Common of Fishery on the *North* Shore of the Harbour and River *St. John*, the ensuing year.

READ the memorial of sundry Inhabitants of the City and County, to the same effect.

The Court having taken the above recommendation and memorial into consideration, are of opinion, that no more eligible mode can be adopted by the persons desirous of being concerned in taking Fish on the flats and shore on the *North* side of the Harbour and River *Saint John*, than that prescribed by the Corporation Ordinance for regulating the separate Fishery at *Carleton*, with this addition, that an ADVERTISEMENT be put up by the Overseers of the Fishery for the Parish of *Portland*, and the City of *Saint John* conjointly, requesting all Persons wishing to be concerned in taking of Fish on the same flats and Shore, to give in their names at a certain time and place by the said Overseers to be fixed on. And those persons only, who give in their names, and appear when notified, to assist in repairing and making the Wears, to be classed or considered as intitled to take Fish.

Report from the minutes of Sessions,
CHARLES I. PETERS, Clerk Sessions.

To be Sold or Rented,

And possession given the 1st of MAY *next,*

TWO *Dwelling Houses* at FREDERICTON, with excellent *Gardens* adjoining.

Inquire of STEPHEN JARVIS, Esq. at *Fredericton*, or MUNSON JARVIS, at *St. John.*

OFFICE OF ORDNANCE.

SAINT JOHN, NEW-BRUNSWICK,
23d March, 1804.

BILLS of EXCHANGE to the amount of £300 Sterling, on the Right Honorable and Honorable Board of Ordnance, and Pay-Masters of the Royal Artillery, to be disposed of at the above Office, to the best bidder.

PUBLIC NOTICE.

ANY Person wishing to Contract for repairing the *Goal*, will give in their Proposals in writing, sealed, to the Common Clerk, on or before the Tenth day of April next. The particular description of what is to be done, may be seen at the Common Clerk's Office.

By Order of the Common Council,
CHARLES I. PETERS, C. C.

FOR SALE,

A Valuable Town Lot, situate on the West side of *Germain-street*, next adjoining the corner of *King-street*, 26 feet front and 26 feet deep.——On the premises are a small Dwelling-House, &c. For further particulars apply to the Printer.

☞ *If the above Premises are not Sold previous to the 29th of* MARCH *next, they will on that day be offered for Sale at* Public Auction.

☞ The sale of the above property at Public Auction, is unavoidably postponed to a future period.

ALL Persons having any legal demands against the Estate of ALEXANDER ROSE, late of *St. Stephen*, deceased, are hereby notified to present the same duly attested within SIX Calendar Months from the date hereof; and all persons who are indebted to said Estate, are requested to make immediate payment.

DAVID ROSE, *Executor.*

ST. STEPHEN, *29th DEC.* 1803.

ALL Persons indebted to the Estate of THOMAS LAWTON, Esq. deceased, are requested to make payment within TWELVE MONTHS from the date hereof, at the expiration of which time all unsettled demands will be put in suit:—And all persons having any demands against said Estate, are desired to render the same without delay.

FRANCES LAWTON, *Executrix.*
ISAAC LAWTON,
WM. WHITLOCK,
A. CROOKSHANK, } *Executors.*

ST. JOHN, *28th MAY*, 1803.