

Mr. Attorney General, for the Plaintiffs, said, that if a man chose to purchase a fools-cap, he must pay for it: "Nobis stultum faciuntur opes." The defendant ought to have been contented with his riches, and not to have sought the dignity of blood; for, now-a-days, "stemma quid faciant." The learned Attorney General read several letters, to prove that the Defendant superintended the research into his pedigree, and saw how it was proceeding; and the Attorney General undertook, could he but regain the draught of the pedigree, which the plaintiffs had delivered to the defendant, and which the defendant had destroyed, to prove that not a single one of the descents, the tracing of which had been charged for, was suppositions and not warranted by evidence.

It was proved, that the references to the books of the college in which these descents were traced, were made on the draft pedigree, which the defendant had destroyed; and that it would be necessary to go through the whole research again in order to prove the reality of the descents.

Mr. Garrow, for the defendant, adverted to the emphasis with which his learned Friend had talked of his client's fools-cap, and had heard it laid down by all the learned Judges, before whom he had the honor to practice, that when a young man came to be tried with such a cap, it was the duty of the providers of it, if they did not acquire a character as something else than fools, to caution the young man against so expensive an ornament. That the blood of one of his client's fingers was that of an Irish King, of another that of a Welsh one, and of a third that of a Jewish one, was something too ridiculous even for a Windsor Herald, or a Blue Mantle to cram down his throat. "The Gentleman looks at me," continued Mr. Garrow, "as if I did not treat him with proper respect; I assure him I have all the respect for him which the Learned Mr. Justice Gould had, when he set down upon a Herald, mistaking him for an arm-chair." The learned Council had not the least doubt, but that, if any body were foolish enough to wish it, a Herald could make him related, in an equal degree, to either Shem, Ham, or Japheth. He remembered a learned Friend of his, who came into Court one day, prepared to trace his client's descent lineally from Adam: "Spare yourself half the trouble at least," said the Judge who presided; "we'll be quite content to take it from the deluge." The fact was, that by the help of modern antiques, a Herald could prove any thing; old deeds, old wills, or old tomb-stones, were the principal materials of his fabrications. The learned Council alluding to the ingenious old tomb-stone, which was dug up by an Attorney, in order to prove a title to the Angel estate; upon cross-examining this tomb-stone a little, it appeared that though the Sexton had been digging all day for it without finding it, the Attorney took the pick-axe, and dug it up directly; and this was thought a decisive reason for disbelieving the old tomb-stone. There was nobody in the kingdom who might not have his coat of arms whenever he pleased, and choose to what great family he would be related: every body knew the story of the pawn-broker, who when, upon going to the Herald's College for his coat, he was told to apply to the Rouge Dragon. The learned Counsel contended, that the Plaintiffs ought to have proved the quantum perit of every item for their demand, and he particularly withstood the charge of 32l. for travelling expences in their visit to the Defendant, at whose house they were sumptuously entertained on a shooting party for a fortnight.

Lord Ellenborough said, that if the people would have luxuries they must pay for them; and that as the defendant had himself destroyed the draft pedigree, he must suffer for the failure of proof which that destruction had occasioned. He thought it advisable, however, to make some deduction from the Plaintiffs charge; and as the 236 descents that were traced were included in the 426 coats, the separate charges for the descents might be disallowed; he also thought some deduction might be made for the travelling expences of a journey, in which there was no charge for business done, and proposed the allowance of 15. 6d. instead of 25. 6d. per mile. The Jury found a verdict for the Plaintiffs, damages 268l. 11s.

BRITISH SECRET EXPEDITION.

On the subject of the secret expedition about leaving England, the *Cork Mercantile Chronicle*, of 14th of July, says:—"It is now clear that it is intended to give the general cause the assistance of a powerful British armament—and though we cannot point out the scene of its immediate services, we have little doubt but it is destined to act where it can with most efficacy be auxiliary to the general plan of the campaign in Germany. Wherever it is intended to direct the strength of this force, it can scarcely make an effort without at the same time effecting an impression favorable to its ultimate object—but we think in the present aspect of the war, it would be best employed in co-operative service, not in a distinct and unconnected enterprise. The formidable stand Austria has made it is obvious, has compelled Bonaparte to leave none of his resources unapplied to, and he is forcing things beyond the common capability of exertion, to give a surer impulse to the blow which he aims at the liberty of Austria. It is on the Danube that he will, in fact now that he must, make this great and final effort for the destruction of his adversary—and to render himself competent to it, for he seems now to calculate upon adversity as well as victory, he has withdrawn the means of protection from a great portion of those States of Europe which he has attached to his fortune. There is scarcely a part of the Continent accessible from the state of the coast to an armament, that could furnish a force sufficient to repel the strength of the British army—and it would be no little distraction to that system which would carry every thing by the concentration of an enormous military force, if thirty or forty thousand British and Irish soldiers obtained a footing on the Continent. It would compel a diminution of the Grand Army on the Danube, which may disable it for a time from vigorous or offensive war, and give the Austrians a superiority in the field. But this kind of co-operation should be prompt to be serviceable. If it had been undertaken when the French and Austrians, after the last great battles, changed their mode of warfare from activity and enterprise, to security and vigilance—when Bonaparte found that the

skill and bravery of his adversaries were not to be treated with incaution; and that he must reinforce himself before he could encounter them, it would have been a wise measure; but even now it may not be too late—it is worth the experiment. This is the moment for bringing every resource, and all that our energy and our spirit can contribute, into the war against Bonaparte. He is more vulnerable now, and circumscribed more critically, than he has been at almost any former time. His good fortune may redeem him, but he will require its intervention to no small degree.

NEW-YORK, SEPTEMBER 5.

On Saturday last, one of the pilots of this port, spoke a ship in the Offing, from Ireland, that sailed from thence on the 23d July. The commander of her informed that the Expedition sailed on the 17th or 18th of July, and that the Embargo was confined to the ports of England. He further stated, that the Russian army had joined the French; but, that negotiations for peace were still pending between France and Austria, and the general opinion was, that a peace would be concluded without another battle.

ARRIVAL OF MR. JACKSON.

On Tuesday last arrived in Hampton Roads, the British frigate L'Africaine, Capt. Raggett, of 40 guns, in 45 days from Portsmouth, England, having on board FRANCIS JAMES JACKSON, Esq. his Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States, his lady and three children. Mr. JACKSON will land at Annapolis. The L'Africaine brings no later accounts from England than before received.

SEPTEMBER 6.

We this day (says the London Courier of July 12) lay before our readers one of the most interesting and important documents that ever was offered to the public eye;—the History of the Campaign from the battle of Austerlitz to that glorious victory of Aspern, which "has dissolved the charm of Bonaparte's invincibility, and reduced him to rank of bold and successful Generals, who, like himself, after a long series of destructive achievements, have experienced the vicissitudes of fortune." A clearer, a more spirited, a more eloquent narrative never came from the pen of man—it is such a narrative as such an achievement deserves, and there is not a human being, at least there is not a Briton, who reads it who will not feel the deepest joy, admiration, gratitude, and enthusiasm for the cause of Austria—Men who can sustain such a cause in such a manner—who, after an unbroken series of disaster and defeat, of calamity and distress, can display such constancy and courage, such loyalty and patriotism, cannot (no! it were treason to suppose they could) be subdued, and we have no doubt that Austria will establish her independence and security, than we have that a British fleet will beat a French one whenever it is fortunate enough to meet with it. How fade the Bulletins of Bonaparte before this manly and noble document! How contemptible and disgusting do they look when placed beside it! Here is none of the braggadismo and insolence which distinguish and degrade those labours of the Corsican. Here are no claims to a victory gained with ease, and almost without effort. Every line pays tribute to the mightiness and difficulty of the conflict. We have the field of battle depicted to us in the clearest manner; we trace the march of each army—we follow the movements of the different columns: we see where the battles raged with the greatest fury, where the struggle was the most tremendous—we appreciate the talents of the different Generals, and we behold, towering above them all, the two Commanders in Chief bringing into the conflict all the resources and energies of their mighty minds, and fighting for glory and for victory, for fame and for life—How every thing was foreseen and provided against by the Archduke Charles! With a kind of prophetic wisdom he knew where the greatest efforts of the enemy would be directed, and there the enemy always found that preparation had been made to receive them. All the tactics and manoeuvres of Bonaparte, his furious attempts to pierce the centre, and thus cut off the right wing from the left—his repeated efforts to turn the Austrian flanks, and thus come in their rear, were rendered unavailing by the admirable disposition of the Austrian Commander. After two days, the most sanguinary days that Europe ever saw, Bonaparte was at length compelled to yield the palm of pre-eminence, to descend from his towering height, to lose his character of invincible, and to resign the rank of being the First Captain of the age.

It would be difficult to say which part of the conduct of the Archduke Charles deserves the most praise—that firmness of mind which made him not despair of stopping the progress of the enemy after the battle of Ecmuhl—that confidence in his own talents which rendered him anxious to hazard a battle with the French, flushed though they were with uninterrupted success and led on by Bonaparte in Person—that astonishing presence of mind which rendered him equal to every emergency—or that consummate knowledge of the art of war which enabled him to beat the man who had arrogated to himself the title of invincible.

HALIFAX, SEPTEMBER 8.

The British ship Brunswick, of 800 tons in ballast, from London for Quebec, foundered July 21, in lat. 45, long. 44; her crew (26 in number) were saved by the British barque Chatham, arrived at New-York, from Liverpool.

The ship Hullaren, Capt. Macfarlane, from St. Thomas for Port Glasgow, out 19 days, put in, in distress, having lost her mizen-mast—cargo, coffee, cotton, &c. damaged—beating up the harbour on Wednesday, went on shore near Fresh Water Bridge—but got off again last evening, we believe, without much injury.

Extract of a letter from a merchant at Norfolk, Virginia, to his correspondent in this city—dated 20th inst.

"In the paper of last evening, two ships are advertised for, to load for England. A number of merchants are determined to load their ships and send them direct to England, giving the requisite bonds, which they will forfeit, and protest against the President's Proclamation—Mr. Tazewell, a gentleman much celebrated here for his law knowledge, has given his decided opinion, that the Proclamation is illegal."—*Boston paper.*

SAINT JOHN, September 18, 1809.

At no time have we experienced a greater stagnation of information than has been for some days past; and at no time have we been led to look for the explosion of pending objects of more interest than at this auspicious moment. The state of Europe, and the great arrangements which have been made and which ere this are matured, must excite a more than usual degree of anxiety in this quarter to hear of the successes which cannot be but favourable to the independence of those nations who have at length stepped forward with so much ardour and prosperity to this most desirable end.—No great time can elapse before we may be able to convey to our readers satisfactory intelligence on those heads, as we have much reason to believe their termination will be full as glorious as those so recently achieved.

Halifax Novator, September 11.

DIED On Saturday morning last, after a short illness of four days, Captain THOMAS H. DUTCHMAN, a native of Scarborough in England, aged 25 years.—Yesterday afternoon his funeral was attended by a numerous and respectable body of Inhabitants of this City.

NOTICE IS HEREBY GIVEN

TO the FREEHOLDERS and INHABITANTS of the City and County of Saint John—That there will be held a GENERAL ELECTION for the said City and County, at the City Hall of the said City, on TUESDAY the 26th day of SEPTEMBER instant, for two Members to represent said City of Saint John, and four Members to represent the said County of Saint John in the General Assembly of the Province of New-Brunswick, to be held at FREDERICTON on the second Tuesday of NOVEMBER next, to do and consent to those things which shall then and there be ordained.

WILLIAM S. OLIVER, High Sheriff of the City and County of Saint John.

Sheriff's Office, City of Saint John, 18th Sept. 1809.

PROVINCE TREASURER'S OFFICE,
Saint John, New-Brunswick, 18th September, 1809.

NOTICE is hereby given to all persons who are indebted at this Office, that it is necessary they should make immediate payment, otherwise their Bonds must be put into the hands of an Attorney conformable to the directions of the Revenue Law of this Province.

WM. S. OLIVER, Province-Treasurer.

St. John, 18th SEPTEMBER, 1809.

To the Free and Independent Electors of the County of York.

GENTLEMEN,

As several respectable Freeholders have expressed their wish that I would offer myself a Candidate at the next Election for Members to represent the County in General Assembly, I now take this public method of announcing my intention of tendering my services to the County at the Hustings at that time; and to assure you Gentlemen, that in all situations my best endeavours will ever be exerted in support of—Our KING, the CONSTITUTION, and our COUNTRY.

Gentlemen, Your very humble Servant,

A. ALLAN.

Clarence, York-County, 6th September, 1809.

GEORGE M'CALL,

BEGS leave to inform the Public that he has Removed to his New Store, on the South side of the Market-Square, adjoining Messrs. PETERS and WIGGINS, where Business in future will be carried on by

M'CALL and HENDERSON,

They having a General Assortment of DRY GOODS and GROCERIES by the latest Ships from London, Liverpool and Greenock, which will be sold on reasonable terms.

Saint John, 18th September, 1809.

GEORGE D. BERTON,

Has Received by the TRIUMPHATE, the VENUS, and the BEE from LONDON,

In Addition to his former Importation,

A General Assortment of Goods

Of the best Quality, which he will sell on very low terms for good payments, at his Store fronting the Parade, FREDERICTON—Among which are

STATIONARY of all descriptions,

Drum Heads, Parchments, Broad Cloths, Serges, Strong Yorkshire Cloths, Irish Linens, Calicos, Cassimeres, Coating, Gingham, Dimity, Swansdown Vell Patterns, Cambrics, Dowls, Elastic, Milled Baize, Sheetings, India Cottons, White, Red and Yellow Flannels, Blankets, Silk, Twist and Threads, Ladies and Gentlemen's Ironmongery, Cutlery, Gloves and Hosiery, A variety of Nails, Sun Raisins, Currants, Boot Legs, Sole Leather, Oatmeal, Scotch Barley, Heel and Blacking Balls, Durham Mustard, Tin Ware and Japan, Salmon and Herring Twine, Souchong and Bohea Teas, Paints and Oil, Loaf Sugar, Roll Brimstone, Spanish Leather, Kid Shoes, Copperas and Alum, Port Wine, Brown Stout.

Ladies and Gentlemen's Hats of the latest Fashions are also supplied from his Manufactory at Fredericton, so well established for Hats of the best quality and much more durable as well as at lower prices than those imported.

Fredericton, 9th September, 1809.

WANTED,

A SERVANT WOMAN, who understands plain Cooking.—She must be well recommended.—Apply at the Gazette Office.

SEPTEMBER 18, 1809.