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COMMERCIALLY INTERESTING.

It has frequently been a question among the merchants of the United States, whether a discharge and certificate under the bankrupt law of the United States would be a bar to an action brought in a foreign country by a citizen of that country for a debt contracted there.

The question is deeply interesting to merchants, because those whose misfortunes have induced the necessity of their becoming bankrupts, are more frequently than any others obliged to go abroad. If, then, they are liable to be arrested with suits by their foreign creditors, when all their property is taken from them they expose themselves to great inconvenience and distress. We understand, that the general sentiment among our merchants is, that a certificate under the bankrupt law of the United States is a discharge from all debts wherever due. Ever attentive to the interests of our commercial friends, we lately proposed the question to a professional gentleman, and received from him the following answer.

"The question you propose has for a long time been considered a doubtful one, and judges as well as lawyers of eminence, have been divided upon it. The weight of opinion, however, in the United States, as far as I have been able to collect it, has been, that a certificate under the bankrupt law of one country is not a bar to an action brought in another by a subject of that other for a debt contracted there. As far as it respects the operation of the bankrupt laws of the United States, or of any of the individual states, in England the question has been long since settled by a unanimous decision of the court of king's bench. Mr. Buchanan of Baltimore, was indebted to a Mr. Smith, a subject of Great Britain. He was discharged under the then insolvent law of Maryland, and the order of discharge was analagous and equivalent to a certificate of bankruptcy, and was so considered by the court. He shortly after went to England, where a suit was commenced against him by Smith. To this suit he pleaded his discharge, &c. but the court was unanimously of opinion, that it was no bar to the action, and so clearly so, that they did not hear the plaintiff's counsel. The opinion of the judges was delivered as follows."

Lord Kenyon, C. J. It is impossible to say that a contract made in one country is to be governed by the laws of another. It might as well be contended that if the state of Maryland had enacted that no debts due from its own subjects to the subjects of England should be paid, the plaintiff would have been bound by it. This is the case of a contract lawfully made by a subject in this country, which he resorts to a court of justice to enforce—and the only answer given is that a law has been made in a foreign country to discharge these defendants from their debts on condition of their having relinquished all their property to their creditors. But how is that an answer to a subject of this country suing on a lawful contract made here? How can it be pretended that he is bound by a condition to which he has given no assent either express or implied? It is true that we so far give effect to foreign laws of bankruptcy as that assignees of bankrupts deriving titles under foreign ordinances are permitted to sue here for debts due to the bankrupt's estates; but that is, because the right to personal property must be governed by the laws of that country where the owner is domiciliated. That was recognized in the case of *Hunter* vs. *Poots*. The court there considered the assignment of the bankrupt's effects in another country, although in fact made in invitum, as equivalent here to a voluntary conveyance by him. The case of *Ballantine* vs. *Golding* is very distinguishable from the present; for there the debt was contracted in Ireland where the commission issued. But in the same page of the book from whence that was quoted is to be found an opinion of Lord Talbot's directly contrary to a conclusion we are desired to draw in this case; for there he held that tho' the commission of bankruptcy issued here attached on the bankrupt's effects in the plantations, yet his certificate would not protect him from being sued there for a debt arising therein. The same rule must then prevail here.

Lawrence J. If the defendants had made voluntary assignments of all their property to the use of their creditors, it is not pretended that that would have been a bar to the suit of the plaintiffs; and yet the title of the assignee would have been as valid here as under the foreign commission; which shows that the validity of the title under such an assignment cannot make any difference in the present argument. Then it rests solely on the question whether the law of Maryland can take away the right of a subject of this country to sue upon a contract made here, and which is binding by our laws? This cannot be pretended: and therefore the plaintiffs are entitled to judgment.

Gross & Le Blanc,
Justices concurring.

Judgment for the plaintiffs.

"The principles which decided this case are not affected by the circumstance of the law being a law of a particular state, and not of the United States; for the same principles which limited the operation of the one law to Maryland, would confine that of the other within the United States."

This decision must unquestionably be received as the established law of Great Britain. Too much caution, therefore, cannot be observed by those who have been discharged under the bankrupt law of the United States, in going abroad and exposing themselves to arrest and imprisonment by their foreign creditors. We would here also remind our merchants generally, that if a discharge under our law will not discharge a debt due in England, a certificate under the English statute will have no operation in the courts of the United States. *(U. S. Gaz.)*

The GREAT DEVIL.

Troublesome times produces great men and great criminals. Among the latter, no one has inspired, for these last ten years, more fear in Italy than the famous brigand known by the name of "*Grand Diabolo*," or "Great Devil." Any person incurring his hatred was certain to perish. He has dispatched magistrates, surrounded by pleaders and guards, he has murdered husbands by the side of their wives, and in the midst of their families, and he has stabbed officers in the line with their comrades and soldiers. Blood and not plunder was his principal passion. Alike generous and revengeful, humane and cruel what he took from the rich he distributed among the poor; but no sooner did he hear of an unjust and oppressive act, than the name of the oppressor was inscribed on his list of proscriptions. He was neither fond of gold, nor of women nor of wine. He had made for himself a code of right and wrong, which he followed on all occasions. He restored several times plunder, when he heard the plundered was near being ruined by his loss, and he allowed several pensions to widows and orphans, whose husbands or parents he found out to be innocent, after he put them to death.—the band of brigands under his command amounted to one thousand two hundred, dispersed in the Alps and in the Appenine, but he was only personally known to twelve inferior chiefs, who under pain of death, were forced to execute his orders within 24 hours. He was convicted of having killed 176 persons, either alone, or in company with other brigands, though he denied having destroyed more than 26 individuals. His first victim was Pedro Francisco, a priest, who abused his mistresses confidence in the confessional, to debauch her; and his last was the advocate Retro, whom he suspected of having sold the liberty and independence of his country, Genoa. The one he stabbed before the altar in the Magdalen chapel; the latter he strangled in his study in the Senate House. He never murdered any females; and persons of the other sex under 20 and above 60 were always respected by him. On the 17th of May he was executed, and shewed on this trying occasion an uncommon firmness. From the prison to the place of execution, he kept the step with his escort as if he had belonged to their battalion. He would not suffer any bandage for his eyes. He called out to the gens d'armes who were to shoot him, Courage, Comrades! and he died in asking of God forgiveness for his mistaken notions, not for his crimes. His body was buried in the usual place for criminals, but it was dug up in the night and in its place was interred the body of Signor Sebastiano, who had decided as a judge for his death. These facts prove that his band has survived its chief.

THE Copartnership between Nicholas Voss and Charles Glover & Company, is this day dissolved—all those indebted to the said firm are requested to settle with Nicholas Voss, under the firm of

CHARLES GLOVER, & Co.

BOSTON, September 17.

By the arrival on Saturday last of the Sally, capt. Webber from Liverpool, and the Galen, captain Hinckley, from London, we have received English papers to the 11th August, which state, among other articles of local concern, the safe arrival of all the valuable fleets of merchantmen expected in the month of August, among which are the China, the Leeward Island, the Jamaica, the Newfoundland, the Lisbon, and the Baltic fleets. They also inform of the prorogation of the British Parliament, by a speech from the throne—of the election of Mr. Mainwaring for Middlesex county, in the room of Sir Francis Burdett—of the near escape of the French fleet from Brest—and of the rumour of an alliance offensive and defensive, between Great Britain and Russia.

Of continental news, Bell's Weekly Messenger observes, "If our readers expect to find any articles of interest or importance in our foreign selections, they will be disappointed. But they will find as much tittle-tattle in the Moniteur, as in many of our fashionable Journals; Bonaparte goes to the opera and menaces war, bespeaks a play and signs a sentence, almost in the same paragraph. The French court is now becoming as splendid and gallant as in the age of Lewis XIV; and the despotism of that reign, which, contrary to all human speculation, was so favorable to the arts, is likely, under the tyranny of Bonaparte, to prove equally propitious."

The same paper, however, contains the following article, which, if it declares not a fact, may be considered as the precursor of a measure, neither improbable, nor is it beleived will be found impracticable:—"It is impossible to embody all the rumors which are abroad in the short space allowed to us. It is said with a good deal of confidence, that an offensive and defensive alliance is concluded between Russia and England, to which Austria and Prussia are invited to accede. We wish we could speak of this as a matter that admitted of no doubt. Every one acknowledges that it is the only way to liberate the continent; but every one is aware of the dificuly of organising a confederacy of this magnitude, which is composed of such jarring materials.

LONDON, Aug 7—11.

The Batavian Journals received to the 3d inst. communicate a statement generally accredited at Paris, that a note by way of ultimatum, has been delivered by the Russian Charge de Affaires, to the Minister for Foreign Affairs, demanding the evacuation of Hanover; and acquainted the French government that in case of a refusal, he had been directed by his sovereign immediately to leave Paris. We are not much inclined to give credit to this statement, but it had the effect of depreciating the funds which are said to have fallen one per cent. in consequence of it. On the 30th ult. the French Minister at the Hague presented his new credentials, and a procession, suitable to the parade and ostentation of the Corsican's new title, took place on the occasion.

A letter from the Hague of the 28th ult. says that most of the troops in the Texel are disembarked, and the provisions, collected there for their use, are disposed of by public auction. From these occurences it is concluded, that no expedition of any consequence will sail from that part of the Batavian Republic, at least until a landing in England is made good by the troops on board the flotillas at Flushing, Ostend, and Boulogne. The whole number of French troops at presents in Holland do not, according to this letter, amount to 25,000 men, of whom 15,000 are encamped near Utrecht, and the remainder in garrison at the Helder, in Amsterdam, Rotterdam, Hague, Breda, and Bergen Opzoom.

A letter from Berlin, of the 28th ult. says, that "with two Russian armies on his eastern and northern frontiers, and three French armies on his western and southern, the King of Prussia has declared to the Courts of St. Petersburg and St. Cloud, that his Majesty intends to preserve the strictest neutrality, and therefore will not permit the passage of any troops, artillery or ammunition though his dominions, but regard as an enemy, any power attempting to force such passage."

It is confidently asserted, that a treaty has been concluded between this country and Russia, and that it was signed by lord Harroby and Count Woronzo, on Tuesday last, previous to his majesty's going down to the house of Lords.—We are inclined to think that the article signed was rather a project of treaty than a treaty itself.

A Russian galley from Marmoringo, in the Crimea, for Petersburg, passed the Sound on the 13th of July. She came from Barcelona, and her crew were dressed after the Turkish fashion. This is the first vessel from the Black Sea which has every passed the Sound.

General Moreau was still at Barcelona in the middle of July, where he had been joined by his Lady.

THE BREST FLEET.

The dispatches received yesterday at the Admiralty from Sir Carles Cotton, state, that Gantheaume's squadron was discovered on the 3d inst. at anchor in Camaret Bay, where we understand the French ships are protected by such formidable batteries, that any attack on them in their actual position would be unavailing. Were it not for the vigilent look out which the Fox cutter kept, and the continued firing of signals, Gantheaume would probably have effected his escape. His squadron is now found to consist of nine sail of the line and three frigates. Every ship which can be spared will be sent off with all possible dispatch to reinforce the Grand Fleet, as the late sortie must necessarily divide the attention of our vessels, and call for increased strength and exertion.

Notwithstanding we are assured that the substance of the dispatches received from Sir Charles Cotton is such as we have stated, our Plymouth letter of this morning says that a cutter arrived at that port on Sunday, has brought intelligence of Gantheaume's return, the preceding day, to his old station, in the outer road of Brest.

Although the name of Gantheaume is more known than that of any French Admiral of the present day, he has never distinguished himself but by his escapes. On the very day when he passed the Gut of Gibraltar, the 18th of February 1801, in effecting his escape from Brest, Sir Robert Calder sailed in pursuit of him from Torbay.

Admiral Corwallis sailed from Spithead yesterday morning in the Glory, of 98 guns to resume his command on the Brest station. Dispatches, received from the Admiralty, at Portsmouth, in the course of the morning, were immediately sent after him in the Rose cutter, which overtook the Glory at St. Catherine's Point, as she was standing down Channel.

Bombardment of Havre.

Dispatches from Captain Oliver commanding our blockading squadron off Havre, were last night received at the Admiralty. They contain intelligence of the renewal of the bombardment of that town and port last Friday. The houses and shipping are stated to have been considerably damaged. During the bombardment, in the course of which a great number of shells were thrown, a division of the enemy's gun boats ventured out, for the purpose of annoying our squadron; but they were very nearly cut off by the skilful manœuvres of our vessels, and regained, with much difficulty, the harbour. The particulars of the attack will, it is expected, appear in the Gazette of this evening.

BRITISH SQUADRON,
Off Havre, July 24.

Yesterday the wind being S. S. W. the Melpomene, with the squadron under her command, and four bombs, stood close in with the town of Havre. As the gun brigs and luggers were at that time all in harbor, capt. Oliver made the signal to the bombs to try a shell. At 12 they opened a fire on the town, which was returned very briskly by shells and shot, many of which went a considerable way over the squadron. At two o'clock seven or eight of the enemy's luggers came out of the harbor, and opened upon us; but the wind proving less favorable than we could have wished, the commander thought proper to discontinue the bombardment, but not until we had thrown upwards of 60 shells into the town, which no doubt did a great deal of damage. We, however, hourly expect a regular bombardment, when the wind and the tide become favorable to us.

P. S. The enemy's brigs seem just now to be taking an advantageous position to oppose us. Our squadron consists of the Melpomene, the Commodore's ship, the Trusty, Magnanime, Aviator, Locust, Pluto, Merlin, Favourite, Explosion, Meteor, Zebra, and Hecla bombs, and three cutters. The Bombs and Locust were detached a week ago from the Bologne station to assist in the operations against Havre. Two days ago an East India ship was seen steering for the port of Havre as a cartel, but some suspicions being excited, she has been sent into the Downs. At present we are all at anchor close to the mouth of the Seine.

Off Boulogne, July 24.—Yesterday evening the weather being clear, and the sun shining upon the French coast, we had a very good view of the enemy, and have clearly ascertained that their loss in the gale of Friday and Saturday last has been very considerable. We distinctly counted nine wrecks on the rocks between Portel and Boulogne, and from the boldness of the coast, and the tremendous sea, when they went ashore, it is scarcely possible that any of the people on board, 500 in number at least, could have been saved—the entire coast between Boulogne and Portel was covered with waggons and soldiers, clearing away the wrecks, and an immensity of small boats were engaged in searching the bottom for different articles. In the space of fifty yards, close under Portel, there are a gun brig and four luggers completely dashed to pieces. The few brigs that succeeded in getting into Boulogne, seem to be much damaged in their masts and rigging; indeed from the amazing surf, when getting in, it is impossible it could be otherwise.—Altogether the loss of the enemy on Saturday morning, has been the most severe they have met with since the commencement of the war, and it is highly probable that the soldiers will not be so sanguine for the expedition after having such convincing proofs of the danger attending it, and having seen our ships ride out gales of wind in perfect safety, when they have invariably suffered both in men and vessels.

Arrival of the China Fleet.

Notice was received at Lloyd's yesterday, of the safe arrival of the Leeward Island fleet, as well as of the Lisbon fleet, and thus in a very great degree, were the fears of the merchants dissipated for the safety of the homeward bound trade. At no period in the history of Great Britain, were so many, so valuable, and so ill protected fleets, expected to arrive at one time, as during the present week. The *China fleet*, the *Newfoundland fleet*, the *Leeward Island fleet*, the *Jamaica fleet*, the *Lisbon fleet*, and the *Baltic fleet*, were all hourly expected; while an alarm was given of a French squadron having eluded the vigilance of our blockade at Brest. The lowest estimate of the value of the homeward bound trade was between 16 and 17 millions: the bare duties to Government were about four millions. It was of course to the merchants and underwriters a most critical moment; and no language can express the satisfaction which was felt in consequence of this intelligence, not only of the safe arrival of the China and Leeward Island trade, but also of the French squadron being safely cooped up in Camaret Bay. It spread universal joy through the city. No apprehension is now entertained for the Jamaica fleet, as by the very favorable wind which has blown for some days, they may be expected in the course of a day or two.

We yesterday had the satisfaction of announcing the long expected arrival of the China fleet. They sailed from Canton on the 5th of February, without convoy, and on the 15th fell in with Admiral Linois, off Pulo Auro, who engaged them for half an hour, and then sheared off.

August 9.

An official account of the engagement between Admiral Linois squadron and the China fleet of merchant men, is this morning published from the East India House. It is contained in a letter from the commander of the Company's ship, *Earl Cawden*, of which the following is an extract. "On the 14th February, at day break, we saw Pulo Auro bearing W. S. W. and at 8 A. M. a signal was made from one of the fleet, for seeing four strange sail in the S. W. Four vessels were immediately sent to examine, and very soon reported by signal, that they were an enemy's squadron, consisting of a line of battle ship, three frigates, and one brig. At four P. M. the look out ships were recalled, and a line of battle formed in close order. As soon as the enemy could fetch in our wake, they put about; we kept on our course under an easy sail; at near sunset they were close up with our rear, and I was in momentary expectation of