

A Meeting of the Select and Common Councils

WILL be held at 12 o'clock in the forenoon on the 1st day next at the City-House in the City of Philadelphia, for the purpose of electing a Mayor, and as the election can be held on no other day, the attendance of all the Members is particularly requested.

By order, WILLIAM H. TOD, Clerk of the Select Council. EDWARD J. COALE, Clerk of the Common Council.

October 13. The printers of the city are requested to publish the foregoing in their several newspapers.

Philadelphia, Oct. 13. THE subscribers inform their friends and customers in town and country, that their stores are now open in the city, and others are daily opening, and that from the present appearance of the prevailing disorder have reason to hope, their friends may shortly come to the city with perfect safety. By several late arrivals, numbers have received fresh supplies of GOODS.

Robert Smith & Co. P. W. Gallaudet & Co. John Davis & Co. Sitters & Co. George Doherty. Waller & Smith. Thomas Ryeison. Alex. Bissland and Co. T. R. Hardenberg. Jacob Sherry and Co. John Smith and Co. Owen & Sons. Thomas Orr. Keppel & Zantinger. William Parker & Co. Adam Zantinger. Thomas Armat & Son. John Fries. J. Miller, jun. and Co. Oct. 14.

The Health-Office IS removed to the City-Hall, and is kept open night and day, where persons having business may apply. Wm. ALLEN, Health-Officer. Sept. 4.

NOTICE. THE Offices of the Department of War are for the present removed near to the Falls of the Schuylkill, on the Ridge Road. September 4.

TENERIFFE WINE. LANDING at Walnut-street wharf, TENERIFFE WINE, of excellent quality, in pipes and half pipes, for sale by JAMES YARD. Oct. 10.

From Marseilles. THE CARGO Of the Swedish barken Gustavus Adolphus, from Marseilles, consisting of the following articles, is discharging at Mr. Latimer's wharf, and for sale by the subscribers. BRANDY, well flavored, of 2, 3 & 4th proof Claret, in hogheads Ditto, in casks Frontignac Wine, in cases of 30 bottles Olive Oil, of a superior quality, in baskets of 6 and 12 bottles Capers Olives Almonds Dry Verjuice Writing Paper Umbrellas (Silk) of 28, 30 and 32 inches Taffeties Long and short white Kid Gloves for Women Silk Stockings Handkerchiefs, in imitation of Madras Artificial Flowers and Garlands Ofrich Feathers Ribbons Perfumery Scented Hair-Powder and Pomatum Manna in sorts Cream Tartar. BENJAMIN MORGAN & ROBERT ANDREWS. September 27.

NOTICE. ALL persons indebted to the estate of JOHN STRAKER, late of Tinicum Township, Bucks County, are requested to pay off their respective debts; and those having any demands against said estate, are desired to bring in their accounts, to JOSEPH CHAMBERLAIN, & JOSEPH MALLETT PREVAIL, Executors. Sept. 28.

Boston Glass Manufactory. THE citizens of the United States are hereby informed, that the manufacture of Window Glass is now commenced at the Glass House in Boston. It is needless to say any thing of the excellent quality of the Boston Glass, as it is so well known throughout the United States to be in every respect greatly superior to any ever imported from Europe. It will be put to any size commonly used; and may be constantly had by applying to CHARLES F. KUPFER, at the Glass House. Orders from the distant States to be addressed to Mr. SAMUEL GORE, Court-street, Boston. Boston, Sept. 30, 1797.

At a Meeting of the Board of Property, June 6, 1797. Present John Hall, Secy. Francis Johnston, R. G. of land office Dan. Brodhead, S. G. Nicholas Bettinger, Ferfus Samuel Cunningham. In this case the proof of service of notice being insufficient, it is ordered that notice be given in one of the Philadelphia and York newspapers weekly, for at least eight weeks to the heirs or assignees of Samuel Cunningham deceased, to attend the board on the first Monday in November next, to show cause why a patent should not issue to Nicholas Bettinger for the land in question. (A true Copy.) JOHN HALL, Secretary of the Land Office. Aug. 13.

Just published, And to be sold at the Bookstores of H. & P. Rice, No. 50, Market-street; J. Ormrod, No. 45, Chestnut-street; and W. Young, corner of Chestnut and Second-streets. An accurate System of Surveying; IN WHICH IS CONTAINED, 1. Decimal fractions, in a plain, concise, and easy manner. 2. The extraction of the square root. 3. Plain trigonometry, rectangular and oblique. 4. An exact method to cast up the contents of lands. 5. Field surveying. The whole being performed without the use of scale and compasses, on a table of logarithms. In which is given some account of the variation of the needle, and the causes of its attraction. By SAMUEL MOORE. August 3.

The Gazette. PHILADELPHIA, MONDAY EVENING, OCTOBER 16.

MR. PENNO. Having lived in Dr. Rush's family during the prevalence of the yellow fever in the year 1793, and having witnessed every part of his conduct during that time; I do hereby declare that the account of his conduct, as published in your paper of the 6th inst. by a member of the college of Physicians of Philadelphia, is full of the grossest falsehoods and misrepresentations.

This declaration should have been handed to you at an earlier day, had I not expected that Dr. Rush would have replied to the above mentioned publication: but I have since learnt, that for the present he means to treat it with silence. JOHN REDMAN COXE, Philadelphia, Octo. 16.

From the TIME PIECE. Fools will be meddling.

At a time when the wife and prudent are exerting every nerve, and every friend to human nature is throwing in his mite, to preserve peace and good will among mankind, and prevent this country from being harassed by that scourge of nations, war, the interested and the designing are busy in blowing up the embers of discord. This spirit has at length found its way into colleges and academies of science, into those institutions which ought to be the repositories of philosophy; where youth are, or ought to be, trained up to become the lights of the world, and qualify themselves to forward that great principle of humanizing, civilizing and harmonizing a race too naturally prone to discord and to render each other's situation uneasy on this earth. In several late college exhibitions in the different states, the pupils have spoken their sentiments (perhaps of their tutors) with unqualified acrimony, against that enlightened nation, which founding heroism on the principles of philosophy, has extended its benevolent idea of government into every quarter of the world, and thereby opened the way for that great and philanthropic political system, without the prevalence of which on this globe, the whole of nature's sublimity work is an insoluble riddle, which daily prompts the fool to say in his heart, there is no God. It is in vain for these gentlemen to hope, at the present crisis of things, to fet the American nation at enmity with France. The republican spirit is peace, harmony, and good will among men. The sentiment of America must operate congenially with that of France, in order to confront the demon of monarchy, and drive him to his native obscurity. Ye preceptors, ye fathers of colleges, who possess sentiments unfriendly to the rights of man, insult not the public mind, wound not the feelings of your audiences, by making innocent youth the organs of your malice, and as far as lies in your power widening the breach already too far effected by the arts of designing men, between the American and Gallic republics. Our chain of unity, although not bright, will not easily be broken; and British property taken by the French during the time of war, under the protection of a neutral flag, without a reciprocal privilege allowed to France, is too unmeaning a cause for exciting serious misunderstanding between the two republics.

For the GAZETTE of the UNITED STATES. THERE can be no stronger proof that the spirit of free discussion which lately takes place, is salutary and promotive of the best interests of our country, than that it has excited the indignation of the little Jacobin jacobins in various parts of the Union. The spirit of free democracy is the most intolerant in the world; and too long has our country groined under its baneful and disgraceful domination. It is not long since it was considered hazardous to utter or publish the most important and salutary truths; the characters of men whose services in the cause of liberty and mankind gave them the highest title to the confidence, love and veneration of the wife and good, have been assailed and calumniated for supporting in their writings, truths which have stood the test of ages; and those who have dared to avow similar principles, have done it at the hazard of every thing dear in life, if not of life itself. Experience has at length rent the flimsy veil of deception and error, and the press, the pulpit, and our seminaries of learning are relieved from the terrors of a most formidable inquisition. The rays of light have scattered the clouds of delusion, and a pure spirit of enquiry will finally place our feet on the firm basis of just thinking, and solid conclusions.

In some late publications of the anti-American faction there are strong indications that the demon of anarchy is sorely wounded; its writings under the lash of satire are evident; the explosion and reprobation of principles which have covered a great part of the globe with blood, are dignified as flowing from "sentiments unfriendly to the Rights of Man"—as having for their object to excite enmity between France and America. No—your day is past, ye enemies to all that is good and truly great—ye advocates of a system that unmakes and maims, but restores and retains nothing. Our Seminaries of Learning are, thank God, under the care of men who love their species—who believe in a Deity and his providential superintendance of the affairs of the universe. Men who love liberty and truth, but are firm enemies to that modern philosophy which confounds, confuses and blends truth and falsehood, right and wrong, and leaves no protection for life, liberty and property, but the long-sift sword.

The institutions of our country are sacred; these we wish to destroy, but we will support them; they have given us all the blessings of independence and safety. We will not relinquish them but with our lives. Our children shall be taught to revere what their fathers cherish. Our children shall imitate the sentiments of attachment to the constitution and laws of their country, and of aversion to those systems which reduce man to automaton, or what is worse, to idolaters of a blind falsity, which comprises all its felicity in gratifying the animal propensities of our nature. What! shall we suffer and not complain? The pillage of Europe is the effect of modern philosophy—Our exultations have justified every atrocity—and now that our children are in danger of being beggared by the plunderings of the property of their fathers on the high seas, forsooth they are to suffer without a murmur, lest innocent youth should be made the organs of their preceptors' malice, and as far as lies in their power widening the breach between America and France. This will

not do simple Democrat—It is too false a trick. Every friend to the United States is a friend to peace—peace with the whole family of mankind. It is no, far the interest of the United States to quarrel with any power on earth—This truth ye know, is fully appreciated by every man in the administration of our government. It is appreciated by every public functionary in the Union—Our freeborn sons will not therefore be deterred by your flunners, from thinking, speaking and publishing their opinions with that freedom which becomes unshackled Americans.

From the CENTINEL of LIBERTY. Part of the power necessary for executing law is vested in men who are not appointed directly by the people but by the trustees of the people, and since no evil thence results, all executive officers ought to be thus appointed, in order to prevent violence in competition for lucrative offices, experience proving that in pursuit of such offices only strife among the people is raised and corruption attempted by bestowing strong drink, and by base flattery. For as no one ever flatters but with selfish views it is universally true that those who most flatter the people are most ready to betray their true interests.

These thoughts are suggested by the riot in Prince George's county at the late election of a sheriff, which convinces me (though I once thought differently) that the governor and council, who are the trustees of the people and by their station men of character, ought to have the appointment of sheriffs. SIDNEY.

October 7. The CREDIBILITY of GAZETTES. A TALE.

It is that remarkable era, when Charles the Fifth was engaged in war with the Princes of the Smalcaldic league, a club of politicians (for there were such clubs even in these early days) were assembled at their nightly rendezvous, in Dresden, to read their papers. They found in one a short paragraph, hinting at an advantage gained by the troops of the Elector, the particulars of which would be published in the next Gazette. On this an ancient member of the club arose, with self-sufficient face; Gentlemen, says he, wait not for the Gazette, I have intelligence full as good as any it can afford. I have a letter from my son Ferdinand, written immediately after the action. The company called aloud for it, and he read as follows:

Honoured Sir, I have just time to tell you, that we have gained a great victory. The enemy was pelted on almost inaccessible precipices, defended by strong works; yet, after a hot engagement, we drove him from all. Luckily there was no shelter for the routed foes, so we killed not a few in the pursuit. We marched at day break, but did not begin the action until five in the afternoon. Could we have been up sooner, we might have done more mischief. I am &c.

Ferdinand de Kuntoch. After he had read this with some applause, another gentleman got up. Mr. de Kuntoch, says he, I am much afraid that Mr. Ferdinand, as a young man, has raised mole hills into mountains; and as to the enemy's having no shelter in their retreat, he saw them where they could not be seen. Mr. de Kuntoch was about to reply with some warmth, when the other proceeded to read aloud a letter he had received from his nephew.

Dear Uncle, All I can tell you is, that we have gained a victory. The action lasted from morning till night. We scarcely saw any of the enemy, as the wood we engaged in was low swampy, and so thick of brush, that we could scarcely make our way through it. I am, &c.

Gustavus Meningerode. The whole company gazed with wonder on each other; when a third gentleman arose, and without deigning to make use of any prelude, but that of casting a contemptuous sneer on each of the two disputants, opened another letter, and read as follows: My Dear Sir, This day has been brilliant as to fight and success. The enemy never gave us to open a front. A fine champagne country, without hedge, ditch, or any impediment to obstruct our operations. The march of the cavalry to charge each other, in a plain where there was no shelter nor advantage to be taken, formed a glorious scene. I am weary, so must conclude. Yours, &c.

FREDERICK SMIDSTZ. At the conclusion of this account, of contradiction to both the others, the club remained for sometime silent, and then fell into a violent altercation. The veracity of all parties was doubted in turn, and such was their animosity, that a society of two hundred years standing was about to suffer final dissolution, when an old officer, who had long been looked on as a strange incommunicative man, said, gentlemen, I can easily settle this business. I will prove, that each of these letters contains a true state of the fact, to the best of the writers observation. Here is a note from a field officer, who knows as much as any man, yet knows but little of the matter.

Dear Sir, We are victorious. The enemy was posted with his left entrenched in the Harpung mountains; his right occupied the wood of Glubit; and his center a fine plain, near the village of Weidneidtleigherrecht. Our right was ordered to desile by Klobleisk to take his left in flank, our left and centre attacked his front. The battle was not so decisive as it might have been, as we could not reach the mountains till five in the evening. We know not how many fell in the wood, as the underwood was thick.—We mowed down numbers in the plain. As to any more particulars, you know enough of action to know the impossibility of giving them with truth. Yours, &c. Now, gentlemen, how easy is this recon-

ced, by supposing your three correspondents on the right, the left, and the centre. How unjust is it then to demand from individuals an account of the operations of the army, which few but the commander can judge of, and whose account, if you will wait a little, you will soon see published by authority? The company assented with loud applause to their new oracle, and the bumper circulated to the battle of Weidneidtleigherrecht, and a speedy publication of the Gazette.

LAW INTELLIGENCE. Court of king's bench, London, July 24, 1797. HEARSY, &c. vs. SWANSON.

This was an action upon a policy of insurance to recover the subscription on a ship bound from Lisbon to London, in the course of which voyage she was captured by the enemy.

Mr. Law stated the case on the part of the plaintiff. He said, that the action was brought upon the policy underwritten on the ship Commerce, which sailed on the 14th of March from Lisbon. On the 17th she was visited by a French ship; her papers being examined, she was allowed to proceed; but she had not proceeded long before she was taken a second time and carried into P'Orient, and was totally lost to the owner, she being condemned, together with her cargo, as prize to the enemy. The only question would be, whether she was or was not an American vessel? If she was, she was entitled to all the rights of neutral nations, and as such came under the rule of law as a subject of insurance, and the underwriters were liable for the loss. In order to show that she was an American vessel, it would appear before the jury that the captain had his letter of naturalization on board, and a register of the United States of America, dated in 1791. He understood it was to be contended that the register was not renewed within 3 years, and that therefore it was void. He found no such provision in the laws of America; besides, this ship had not been in a situation to renew her register in America. It was an American vessel, built of American materials, and as fully entitled to the protection of neutrality as any vessel could be. He really did not know what the points were on which the defendants rested their cause; if they had any, it was enough for his client in this action that the ship was an American ship, built of American materials, and that the capt. was an American subject by virtue of naturalization; that he and the ship were captured by the enemy, and the ship and cargo condemned as prize to the enemy. All these points were sufficient to entitle the plaintiff to recover the subscription money, which was one hundred pound.

Mr. Antonio Castize said he was commander of the ship Commerce, in March last. That he sailed on the 8th of March from Lisbon. That he was a native of Venice, naturalized in America. That he had letters of naturalization, but the French took them from him when the ship was captured. These documents never were returned to him. That on the 17th of March he was taken by the French while on his voyage from Lisbon to London. He was released from Lisbon to London. He was released from the 21st, but taken again and carried to P'Orient, when the French took from him all his papers. That he had an American vessel before this which he exchanged for this. The papers belonging to both were on board this, and the French took them all, and never returned him any. That he was made prisoner at P'Orient, and that while he was in confinement a person came to him saying, he was authorized by the officers of the Province to give him a paper, which he produced in court, which paper contained the condemnation of the ship Commerce, as prize to the French Republic.

Mr. Erskine stated for the defendant, who was his own fruturer, and who was interested in the voyage in question; and in the course of the market of these articles there was a great fluctuation, particularly in time of war; when a number of vessels came home together, the price of the market fell. In the interval, before the coming of convoy, to protect another fleet from the same place, the price of the market fell again. It was, therefore, of great advantage in this trade, to bring over the cargoes previous to the general arrival of the ships under convoy. But if any person wished to run over a ship without convoy, the premium was unusually high, and such as trade would hardly bear, and therefore a great number of ships were employed as neutral because the underwriters will underwrite them at a lower premium. Such vessels as that which was now in question, were picked up by merchants, and they pretended to be neutral. This captain, who had stated himself to be a Venetian, might as well have lent his vessel to the doge of Venice to wed the Adriatic as to call upon the defendant to answer in this action.—It was stated, that the only question would be in this case whether the vessel was or was not an American vessel entitled to the protection of neutrality? That certainly was the question; in discussing which it would not be sufficient to show that she was built with American timber. It ought to be shown that she was a vessel entitled to all the benefits of neutrality, and that she was free from capture by the laws of war.—It was not the delivery of any paper by the assured to the underwriter, that constituted evidence in such a case as this. It ought to be made manifest, that the ship was not made a lawful prize, he admitted that the underwriter was liable; for the assured in such a case as this could not warrant that injustice should not be done by a belligerent nation to the ships of neutral powers. But upon the authority of a case decided by lord Mansfield, it was clear that if the vessel was not entitled to the benefits of neutrality, the underwriter could not be liable for any loss occasioned by her capture, that indeed was the established principle of the law. He quoted also the opinion delivered by lord Kenyon in a recent case in which his lordship had laid it down as a rule that a ship might be condem-

ned, because she had no sufficient document on board to prove her neutrality. The question on this case was to be governed very much by the treaty between the two nations, America and France, and that part which related to this question was the 25th article. By this article, that evidence should be given of their neutrality, that there should be a sea-letter and passport, and the name of the commander of the ship, shewing that really and truly the ship was neutral. The ship must have been recalled within a year, and her certificate renewed if returned within a year. The passport was also to be signed by the president of the United States. Now we should see whether the condemnation of this ship proceeded upon any collateral points, or whether she was a regular prize to the French republic, according to the laws of war and the rights of nations, as subsisting between America and France.

Here he read the sentence of the admiralty court of P'Orient, by which it was stated that the vessel called the Commerce, Antonio Castize, commander, was a pretended American vessel, that the papers produced were not of the proper form; that the captain had not the sea-letter required; that the capt. confessed he had sailed without the sea-letter and the passport; and the judgment of that court pronounced upon the whole matter, that the Commerce had no right to shew American colors, and therefore she was condemned as a lawful prize to the French republic. Having done this, Mr. Erskine said, he apprehended he had done enough to shew, that the underwriter must be released from all the consequences of the capture of this vessel, and that the plaintiff had no right to recover in this action.

Mr. Bowman proved the translation produced was a correct translation of the sentence of the court of admiralty at P'Orient. Mr. Law, on behalf of the plaintiff, suggested, that there was no evidence that this was the sentence of the court at P'Orient. The witness had only said it was brought to him by a person who said he came from authority; there was nothing to shew that this was not an assumed authority. That the seal of the court ought to have been proved, &c.

Lord Kenyon said, that as to proving the seal of the court, or of any other corporate body, he was quite sure that no such thing was ever done; he never heard of such a thing being done in his life. A seal of any court, or of any corporation, always proved itself. As to the other objection, that there was no proof that the person who brought the document to the witness, while in prison, had any authority, he thought he was bound to take that authority for granted. If he required better proof of that fact, he might require an impossibility. And as to the decision of the court of admiralty in France, he was bound also to take it for granted that it was correct. Courts of admiralty regarded each other's decisions every where; they pervaded every part of the civilized world, at least he hoped so, for they were founded upon one general principle of justice. These points should be saved, so that Mr. Law might bring the matter before the court, if he choose it, but his lordship thought himself bound to take all these proceedings as regular, and therefore he ordered them to be read.

The policy of insurance was also read. Lord Kenyon said, he was of opinion against the plaintiff in this action. The policy itself amounted to a warrant, that the vessel was an American vessel, and that it was within the protection of France.

Mr. Law said, that upon the face of this sentence, they had stated the law of America entirely, and not their own law.

Lord Kenyon said, he really did not see that. They applied law to the fact. This was a sentence of the court of admiralty, deciding on the rights of all the parties. There certainly was no ambiguity here. There were stated certain requisites to entitle this ship to the protection of an American vessel. They were enumerated. It was stated that these requisites were not complied with; that the captain had no passport and sea-letter, and that he had no right to shew American colours, and therefore concluded that the ship was a lawful prize. It was essential to us to pay attention to the decisions of their courts of admiralty, for they always paid attention to ours; and we had much more of these cases than they had. It was essential to all the commercial nations of the earth to pay attention to the decisions of each other's courts of admiralty.—Indeed he never heard of any complaints against them, except one from the king of Prussia, who said, "he did not understand that your lawyers should decide any case; that four cannon were much better." His lordship said he was early of opinion that the plaintiff ought not to recover in this action. If Mr. Law thought that opinion was wrong, he might bring the question before the court upon a motion for a new trial; his lordship added, that he wished the motion to be made, for he always wished that his opinion should be reviewed.

The plaintiff was non-suited.

Public Notice is hereby given, THAT the Commissioners for the District of Southwark have removed their hall to the house formerly occupied by Samuel Gore, in Christchurch at the corner of Fifth Street. Oct. 2.

MEDICINES. OF every kind, need any for the sick? Ego, Barley, and Oatmeal, for diet drink, will be delivered gratis, during the present contagion, to those who are unable to pay for it, at HUNTER'S Laboratory, No. 114, South Second Street. MEDICINES. THE Poor who may find it inconvenient, from distance, to make use of Mr. HUNTER'S truly meritorious offer, will be supplied with medicines—Ego, Barley, oatmeal, &c. by applying at the subscriber's store, No. 36, Market-street. ROBERT S. STAFFORD.