## The Gazette.

PHILADELPHIA,

TRIDAY EVENING, AUGUST 9.

GITT CORPORATION.

# AN ORDINANCE,

For raising supplies, and making further provisions

For watering the City of Philadelphia,

WHEREAS it appears, that the or-dinance entitled an Ordinance providing for the raising a sum of money on loan for sup-plying the city of Philadelphia with wholeforme water, has proved inefficient in produc-ing the means contemplated;

And whereas very great and active progress has been made in works for introducing into the city a supply of good water, and a confiderable expence incurred in the execution, so that if a discontinuance or abandonment is suffered for want of adequate provision, a great loss will be sustained by the city, and divers contracts and agreements having also been formed involving expenses, and claims on the city on account of the said works, it is indispensably essential both for the interest and for the credit of the city that the said works should be completed and the said contract and agreements inviolately and with good faith observed. with good faith observed.

with good faith observed.

Section 1. It is therefore ordained and enacted by the citizens of Philadelphia, in Select and Common Councils assembled, That for the more effectual providing for so much of the expense as will be incurred in the course of the present year towards the completion of the faid works, the City Commissioners shall forthwith from the passing of this ordinance and without any delay, raise on the estates, real and personal, and on the prosession of persons within the city of Philadelphia, agreeably to the last County Assessment, the sum Fifty Thousand Dollars, to be applied to the descript of Expenses of the Works for Watering the City, in addition to any sum heretofore provided and apprepriated for that service in the present

Section 2. And be it further ordained and enacted, That all and several the sums of Money, which may arise and be received purney, which may arife and be received pur-fuent to this ordinance, shall by the Treasu-rer of the City be placed subject to his drafts in such one of the Banks in this City as may be directed by the special order of the Mayor and shall be drawn from thence by him on the orders of the Mayor or of any other Person or Persons who at any time bereatter by Ordinance or Resolution of the Select and Common Councils, shall be duly authorized to pass orders on the Treasury : and on the receipt and payment of all the Monies which may and shall arile as aforesaid, the said Treasurer shall be entitled to and allowed a Commission at the rate of Fifty Cents for every Hundred Dollars thereof which shall

by him be received and paid as aforefaid.

Section 3. And be it further ordained and enacted, That for the efficient and feafonable collection of Monies necessary to be raised for the service of the City, and for the more effectually providing against Neglects and other defaults therein, the City

Tenalizer is authorized, and required to in reafurer is authorized and required to inspect and examine from Time to Time the duplicate Lists of Taxes which shall have been or may be placed in the hands of any person or persons for Collection, and if any fund persons for Collection, and if any such person or persons shall at any time be found delinquent in discharging the Duties prescribed in the Ordinance entitled "An Ordinance prescribing the Duties of the Collectors of Taxes, passed the 9th day of March in the year one thousand seven hundred and ninery-seven, the Treasurer shall forthwith give notice in writing of any fuch Delin-quency to the Mayor or Recordor, who shall give him written directions in what manner to proceed in the Case or Cases as the fame may be, and the faid Treasurer on the receipt of such Directions shall immediately proceed accordingly.

Section 4. And be it further ordained and enacted; that the Mayor be and he is hereby fully authorized and empowered to anticipate by a loan or loans, (at any time when the fame shall appear to him necessary for promoting the interest and preserving the credit of the City) any part or the whole of the fum herein before provided to be raised and collected and any part or the whole thereof specially to pledge mortgage or af-fign as shall be found necessary and proper for the affurance and fatisfaction of any perfon or perfons or bodies politic and corporate who on the credit thereof shall be disposed to make adequate advances for facilitating and expediting the fervice of the city in the introduction of wholefome water.

See. 5. And be it further ordained and enacted, That of the Ordinance entitled an Ordinance for railing supplies and making appropriations for the services and exigsucies of the city for the year one thousand feven hundred and ninety-nine " passed the thirteenth day of March in the said year, so much as provides for the appropriation of the sum of twelve thousand dollars, for paying the interest, and towards providing a fund for the redemption of the principal of any lean that may be raised for the more effectual supply of the City with wholesome water, and for the application of any surplus remainder of the sums arising from the Bridge and Ferry on Schuylkill shall be and the same hereby is repealed, and the said fams shall be appropriated and applied in manner following, that is to say: so much of the faid twelve thousand dollars as shall be found necessary for the foll and purcual

rest on all loans advanced to the City in puruance of the Ordinance entitled " an Or dinance providing for the raifing of a fum of money on loan for supplying the city of Philadel his with wholesome water," pal-fed the 7th day of February in the present year, shall in the first instance stand charged for the payment of faid interest as aforesaid and any remainder thereof as well as any surplus remainder of the sums which may arife from the bridge and ferry on Schuyl-kill as aforefaid, shall be applied towards de-fraying the expences of the works for the introduction of wholesome water into the

Enacl a into an Ordinance,
at Philadelphia, on the fifth
day of August in the year of
Our LORD One thousand seven
hundred and ninety nine.
[L S. C.] KEARNY WHARTON,
President of the Common Council.
HENRY PRATT,
President of the Select Council.

#### LAW REPORT.

COURT OF KINGS BENBH, APRIL 16. Christe v. Secretans.

This case was very ably urged by Mr. Law, for the Plaintiff, and by Mr. Gibbs, for the defendant.

It was an action on a Policy of Infurance, on goods on board the ship Mercury, from Maryland in Virginia, to Bremen.—After the ship had failed a few days, she was captured by a French privateer, and carried in-to Nantes, where the and her cargo were con-demned as lawful prize to the captors, among other reasons, because she had not on board

The cause was tried before Lord Kenyon and a special jury of merchants at Guild-hall at the fitting after Michaelmas term, when there was a special case reserved for the confideration of the court of King's bench. The case was urged in the last term for the first time, when the court directed a second argument, which came on to day.

Mr. Law, on the part of the plaintiff, sub-mitted to their lordships, that the question in this case was, whether in the absence of an express warranty, and even after an abfolute on the part of the insured to make
any warranty, the insured were bound to
perform all such matters as on the strictes confiruction of an actual warranty respecting the nation of the ship, it would be necessary for them to perform if such a warranty had been contained in the policy. In effect, whether in the absence of a warranty there was an implied warranty as foon as it was discovered or ascertained of what nation the ship was, to navigate her in such a way as the ships of that nation were required to be navigated, in due conformity not only to the law of nations, according to which he admitted the must be navigated or according to the treaties entered into between the nato the treaties entered into between the nation to which she belonged and other states, but whether she was bound also to navigate according to arbitary and capricious ordinances which France or any other state might chuse to infist upon with respect to other powers? That was the question for their lord-ships to decide

It was admitted that she had every document on board which American ships usually had and every document which had been equired by France on all former occasions. He pointed out the absurdity of other nanances of France, and shewed that sentence of condemnation was sounded on a violation of those treaties between France and America; and the fentence was not only conclusive on the point decided, but did not extend to col-lateral points. The learned counsel also pointed out the consequences that must result from the arguments on the other side; that the reasoning which must be adopted by his learned friend would take away all diflinction between an express warranty and

no warranty at all.

Mr. Gibbs, for the defendant, infifted in the first place, that this ship being an American flip, if the was not documented as an American ship ought to be, though she was not warranted American, that circumstances would fornish the underwriters with a defence in this case. He then submitted on the facts found in this case, that it appeared conclufively that the was not documented. The learned counfel illustrated these two propositions by a number of very ingenious consi-

derations. The lord chief justice, among other things, observed, that the court had had abundant time to consider this case, which arose in confequence of the unheard of violations of law and justice which had happened on the continent. As long however, as the powers of France were to be treated in the fame manner as civilized nations were treated, he did not find himself warranted to overthrow. that code of laws by which justice had been admin strated between that country and other countries; and up to the extent that judgments of courts of admiralty had been administred between that country and other countries, and up to the extent that judgments of courts of admiralty had been held binding in civilized Europe: he admitted pro hac vice that they were binding between the people of this country and America and

In general there was no doubt but that the fentences of Admiralty concluded the points on which they decided; and his lordthip faid, he admitted all that was faid in the case of Hughes and Cornelius, and all that was argued from that case in the case of the Duchess of Kingston. The ground on which he was able to decide the case with fatisfaction to his own mind, depended on the shortest point in the world. This ship was not warranted to be an American thip, and the fentence of condemnation in this half yearly payments of twelve months inte- cafe did not proceed on the ground that the detained.

fhip had not complied with the treaty between France and America; if it had he fhould have found himself extremely embarrafied. But the fhort and fingle ground upon which he went with full fatisfaction to his ca—libelled.

Schr. Hiram, Drummend, of George-Town, K. R. feized at Pert Antionia.

Schr. Minerva, Gording, from S. Georges River, uncertain where bound, from Jamaica—libelled. own mind was thus-The fentence at the ! close stated, that they condemned this ship and cargo, because that they belonged to the enemies of the French Republic. Whether I America was or was not at war with France, he was not bound to enquire: Why then, they did not condemn her because the had they did not condemn her because she had not the proper document on board, or because she did not comply with the treaty. Their sentence, whether right or wrong, proceeded on this ground, that she belonged to the enemies of the Republic. If she did, how did that deliver the undewriters from responsibility? she was not warranted American; if she did, the sentence would have dissifirmed that warranty. On that ground his lordship thought the judgment of the court to be a favor of the plaintist. If the parties chose that it should be turned into a special verdict, his lordship said he was very desirous that it might be done. The other judges were of the same opinion. Judgment for Plantist. ment for Plantiff.

### Marine News.

Portland, July 30. Monday last arrived, schr. Martha, Capt Monday last arrived, schr. Martha, Capt. Robert Isley. 22 days from Tortola. Lat. 41, long. 66, spoke brig Hiram, Apple ton, our 4 days from Portsmouth for Barbadoes, all well. Lat. 22, long. 63, 30 spoke sloop Industry. Doty, of New Bedford, in distress—had sprung a leak, and had been run on hoard in the sleet by one of the convoying ships—broke his boom and otherwise damaged her so much that with the greatest exercions they could not keep her free, and were obliged to abandon her. Crew and part of her cargo feved.

Portsmouth, July 30.
Sunday arrived brig Orion, Capt. Parker, 56 days from Lisbon. June 25, was boar ded by a 44 gun figste under English colours but supposed her to be a Frenchman, as the persons who boarded speke French said she was the Tory, 3 months from Martinico, examined the brigs papers, behaved civil and bid us proceed on the voyage.

Boston, Aug 2. Arrived, brig Betfy, Gapt. Swift, 55 days from Liverpool. Spoke nothing. The ship Betfy Choate, from hence arrived safe at Liverpool, 23d May, 36 days passage, and was to sail home 15th June. The sch. Eliza, Capt. Noble of Boston, from Liverpool, for Boston, has been captured by the French, metaken by the Erolish, and arrived at Ports. retaken by the English, and arrived at Portsmouth. The following vessels are advertised in a Liverpool paper of the 6th June, viz.—ship Thomas, Edes, for Boston; ships Perseverance, Moores,—Stetson; Charlestown, Coffin; Preservance,—Adventure, Perady; barque Pallas Bowden all for New-York

Same day Sch. Aphia, Capt. Hodgkins, 50 days from Lifbon. Left there Capt. Cloutman, in a ship of Bosten, from Bilboa; and a number of others names not recol-

lected. Sailed in co. floop., Jones, of Bofton, for Cadiz. Spoke nothing.

Same day. Ship Britannia, Capt. Cazaneau, 30 days from Jamaica. Left at Martha's Bray, the Eliza, Brown of New-York. In the Gulph, July 10, spoke fehr Lark, from Kingston, sor Boston. Pastengers Mr.

James Utton, and family.

The Hero, Lilly, of Boston; Adventure, Sewards, of Gloucester, were at Demerara,

A brig from Bofton from Bremen, out 4 lays, was spoken July 22, in lat. 30, long.

Schr. William, Treffry, of Marblehead, was at La Guira, July 7, to fail in a few

The ship Favourite, Swain, arrived at Nantucket, last Tuesday, 63 days from Dublin. July 5. lat. 43, long. 42, spoke ship Fox, Pedrick, and brig Philanthropift, Prince, both for Marblehead, had then kept together, 14 days, all well. July 18. lat. 42, 37, long. 59, spoke brig Sally, Bickford, 6 days from Boston.

New York, August 7. ARRIVED. Days. Ship Washington, Sloop Dianna, Uncle, Havanna Antigua 19 Aurora, Slosum. Charletton 6
The Fox, Hampskin from this port to
Aambro, is taken by the British, and sent into Yarmouth, Ship Rofe, Nichols, from Le Vera Cruz,

American vessls left at Kingston, Jamaica, June 21st, 1799.
Brig Juno, Price, of Baltimore, captured by the French and re-captured by the Bri-

is arrived at Havannah.

tifh ; libelled. Schr. Pegatus. Morrison, of New-York, taken by the Alarm, British frigate, off Cape de Cruz; libelled by a court of Vice Admiralty, in Jamaica, acquitted and appealed

for by the cantors agent.

Brig Hope, Clarke, of Baltimore, libels

Brig Hopewell, Dandelot, of Philadelhia, condemnad. Brig Dispatch, Venson, from Baltimore,

condemned, informed by the Return, of N. York, capt. J. Riley. Brig Active, Cartwright, from Alexandria, condemned; informed by capt. Riley.

Schr. Betsey, Emmons, from Alexandria, condended; informed by capt. Riley. Brig Berley, ---, of Charleston, con-

Schr. Two Friends, Newton, of Bofton,

Schr. Columbia, Turner, of Baltimore,

Schr. Lark, Given, of Briftel, cleared,

fter paying cofts.

Brig N. Y. Packet, Innes, from Charleston, out 12 days, libelled.

Schr. Venus, Loweray, from Port Mar. cel, taken in proceeding from Port Marcel, to join convoy at Havanna; libelled.
Barque Neptune, Lake, of Philadelphia, a flag of truce, libelled and acquitted, to fail for Philadelphia, in 8 days.

Ship Carleton, Gardner, of Baltimore, fhip and cargo libelled, fince condemned, as

per information by sch. Return.
Ship Pomona, Kennard, of Portsmouth,

Schr. Hope, Moulton, of Beverly, libel-led in a court of Vice Admiralty, Jamaica, but acquitted on paying charges.
Schr. Abigal, Haftings, of Bofton, to

fail in two days for Honduras. Snow Sifters, D. Watts, of St. Lucie, li-

Ship Adventure, Samuel Blake, -

Schr. Columbia, J. Boucher, Georgetown, Mid. captured on the 11th May, by Alarm, British frigate, and released on paying

Ship Dianna, White, \_\_\_\_, libelled. Ship Negary, Pauling, \_\_\_\_, to fail in

Brig Betsey, Furlong, Baltimore, cut out of Barracoa, but released.

The brig John and Joseph, of Baltimore, touched at Havanna, on the 7th, and sailed on the 11th July, under convoy of the United States frigate General Greene, in commenced to the States frigate General General Greene, in commenced to the General Greene, in commenced to the General Greene Ge pany with forty-five fail of American vessels,

Charleston, July 22.

Saturday arrived the schr. Amphitrite, Pelor, New Yo k, 21 days; brig Abigail, Gage, Boston, 44 days; ship Mary, Mestroon, Wilmington, N. C. 10 days.

Yesterday arrived the schooner Aurora, Brugg, Baltimore, 16 days; sloop President, Cottle, B. ston, 17 days; sloop Sally, Sweetzer, Philadelphia, 15 days; short, Aurora, Brown, Baltimore, 20 days.

The ship Harmony, Forrester, and brig Unanimity, Earle, of this port, passed the Downs on the 11th of May, 43 days from Surrinam.

Passangers in the schr. Amphitrite, from New York; Capt. George Pelor: Mr. Robinson, Mr. Kelly, Mr. Chapman; Mrs. Harper, lately from England; Mrs. Mor-rss, Miss Mary Morris, Master Benjamin Morris, Mrs. Dickson, Master John Cick-

Yesterday arrived the schr. Friendship,

Gray, Havanna, 21 days. We are favored with a full statement of all the circumstances of the case of Robbins, alias Nash, decided in the federal district court last week, together with the arguments of counsel, the decree of the court, and the grounds at length on which the judge made his decree. They were intended for this day's paper, but are postposed to make room for the late European news in the preceding page.

Some time last week, the febr. Johnston, from Santee to Charleston, with rice, was east away off Cape Romain, and the whole of the crew, confisting of the capt. mate and three negroes, were drowned.

The fnow Jane, Watson, from this port, is arrived at Greenock.

The ship Franklin, Tucker, was to fail from Liverpool for Charleston the 10th ult. as was the Diana, Bolton, for this port. The ship Thomas, Wallaston, was also to sail for this port on the 15th.

Capt. Hughes, who arrived on Monday from Baltimore, spoke the Huited Saran

from Baltimore, Spoke the United States frigate Washington, on Sunday night, off Tybee bar, on a cruise to the southward.

#### FOR LONDON.



THE SHIP FAME. EDWARD JONES, Master, WILL fail with all convenient speed .-- For freight or passage apply to

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KEARNY WHARTON. WHO HAS ON HAND, French Brandy and Black Pepper.

To Rent, A CONVENIENT STORE and COUNT-ING HOUSE, No. 111, South Water Street, and an excellent CELLAR near the Custom August 6.

#### NOTICE.

THE heirs of the Reverend JOHN WADE, formerly from Yorkshire in Grea Britain, late of the State of New-Jersey in the United States of America, are hereby requested to make application to the Subscriber, in Philadelphia, No. 131, Market Street, in order to receive the proceeds of the faid estate.

EDWARD THOMSON,

Administrator to the Estate of the faid John Wade. August 7

Schr. Hiram, Deummend, of George- Infurance Company of the State of Pennfylvania.

August 1, 1799.

HE Directors have this day declared a dividend of THIRTY DOLLARS on each Share of the Stock of this Company for the last half year, which will be paid to the Stock holders or their legal representatives after the 10th instant.

JAMES S. COX, President.

NOW LANDING,
From on board the Brig MARIA, AT WALDUT STREET WHARF,

And for faleby the Subferibers,

GERMAN LINENS,

-CONSISTING OF-

Rouanes, White Platillas, Bag Linnen Creas à la Morlaix, Estopillas unies, Estopillas clarines. Pocket Handkerchiefs, Checks & Stripes, Elberfeld Checks, Warendorf Linnen, Ready made thirts.

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General Melville,
Bishop of London,
Dean Fucker,
Mr. Kemble
Lord Duncan,
Bishop of Rochester,
Mr. I Topes
Mr. J. Grose,
Dr. Herschel,
Mr. J. Grose,
Mr. Kemble
Lord Duncan,
Mr. Seward,
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Apb. of Winchester, Apb. of Winchester. Dr. Towers,
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August 8. th&sat

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HAS just received per ship Thomas Chalkley and Adriana, from London, an elegant assortment of the most fashionable MILLINERY, vix.

Chemille rosette FEATHERS Fancy flowers
Black tiffany flowers

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Pink, yellow and blue crape, full drefs caes
Do. do. and do. Nelfon's bonnets
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Do. do hats
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