

The Legislature of this State by joint vote elected a Senator of the United States, and this is brought forward as a precedent that they should by joint vote elect electors of President and Vice President. To show that this proceeding was unconstitutional, and the mode in which it was done, was indecent and ought not to be regarded as a precedent, we publish the following account of that Democratic measure from Mr. Dunlap's paper of February 23, 1793.

EVERY member of the community is interested in the public conduct of his representatives, and has a right to examine it with a manly though decent firmness. In ordinary cases, a prudent and well disposed man, will confine himself to a calm discussion; but abuses which insult the understanding, and degrade the dignity of freemen call for severe animadversion—if they arise from ignorance, they excite our pity—if from corruption, our abhorrence, and sometimes, when we are at a loss to distinguish, a mixture of both.

I am led to these remarks, from the reading of a resolution which has lately passed in the senate of Pennsylvania, and has since been adopted by the house of representatives, and approved of by the governor—it is as follows:

"The members of each branch of the legislature, shall meet in the senate-chamber on Thursday next, and then and there, elect a senator to represent this state in the senate of the United States."

So much has been said and written on the question—Whether a senator ought, agreeably to the constitution of the United States, and of that of Pennsylvania, to be chosen by a concurrent vote of each branch of the legislature, or by a joint vote of the members of both branches collectively taken? that I shall only observe as the constitution of the United States declares, that "The senate of the United States shall be composed of two Senators from each state, chosen by the legislature thereof," and as the constitution of Pennsylvania declares, that "The legislative power thereof, shall be vested in a general assembly; which shall consist of a senate and house of representatives," it is, at least to my mind extremely clear, that the members of the two branches, thrown into a heterogeneous mass, are not the constitutional electors of a senator for the United States. And it seems to be equally clear, that the consolidating of the two branches into one body, so as to destroy that mutual check; which the convention for wise purposes, thought proper to provide, as an equal violation of both constitutions.

I will not dilate on this subject, since to minds at all enlightened it cannot be necessary, and I am not disposed to waste argument, by throwing it away on those which are not so.

The seceding of members with the design of breaking up the house is a high misdemeanour, and punishable as such, and yet perhaps it is no less an offence to sanction an unconstitutional measure by acting under it.

The extraordinary manner in which the resolution was hurried thro' the two houses, will perhaps account for some of its imperfections. During the many alterations which took place on the question whether a senator should be chosen by a concurrent vote of each branch of the legislature, or by a joint vote of the members of both branches assembled together, a majority of the senate was in favour of a concurrent vote, and a majority of the house of representatives in favour of a joint one. In the senate however there were some flickers for the latter mode, and so eager were they to carry the point, as not only to seize the opportunity of the temporary absence of some members, but as if they needed their return, they proposed and passed the resolutions on the same morning, and contrary to all experience (unless where unanimous consent is obtained) they on the same morning, ordered them to be sent to the house of representatives, thereby precluding an opportunity for their reconsideration, at the reading of the minutes the next morning, as is usual in other cases.

This extreme eagerness to take advantage of the temporary absence of members, in order to carry a favourite object, may perhaps account for the absurdity in which the resolutions were hurried thro' the senate. In the H. of R. sufficient time for reflection might with safety have been allowed but however exceptionable the resolutions were it might not have been deemed safe to return them to the Senate with amendments left the majority in that body might be changed by a return of some of its members—What passed in the House of Representatives I do not particularly know, but it seems impossible to suppose, but that one of the leaders at least, must have been struck with the exceptionable parts of the resolutions—He however let it pass and many members of good plain understanding and upright intentions, are so accustomed to being led by one or two talkative members that it is the most likely they gave themselves but very little trouble about the matter—I hope however that from this instance as well as from others they will learn the useful lesson, of seeing and judging for themselves, instead of trusting too much to others, merely because they talk more. As I do not suppose that the Governor,

thought a minute on the subject before approving the resolutions, or took the least pains to consider whether they were constitutional or not; I will not impute to him any improper designs.

A PHILADELPHIAN

POETRY.

[The uncommon success of the song writer, Dibden, in the introduction of maritime metaphors is well known to the generality of readers. In none of his interlocking sea ballads is a good heart as well as a lively imagination more discernible than in the following well supported allegory.]

TWO real tars whom duty call'd
To watch on the foretop,
Thus one another over haul'd
And took a cheering drop.
I say, Will Hatchway, cried Tom Tow,
Of conduct what's your fort,
As though the voyage of life you go
To bring you safe to port?
Cried Jack, you lubber, don't you know?
Our Passions close to reef,
To steer where HONOR points the prow,
To hand a friend relief;
These anchors get but in your power,
My life for't that's your fort;
The bower, the fleet, and the best bower,
Shall bring you up in port.
Why then you're out, and there's an end,
Tom cried out, blunt and rough,
Be good, be honest, serve a friend,
Be maxims well enough;
Who swabs his bows at others woe,
That Tar's for me, the fort;
His vessel right a head shall go
To find a joyful port.
Let storms of life upon me prefs,
Misfortunes make me reel,
Why, dammee, what's my own distress?
For others let me feel.
Ay, ay, if bound with a fresh gale
To Heaven, this is your fort.
A handkerchief's the best sail
To bring you safe to port.

BOSTON, October 31.

President's Birth Day.

Yesterday JOHN ADAMS, Esquire, the first Officer in the American Republic, entered the 66th year of his active and valuable life. The unfeigned eagerness of his fellow citizens to commemorate his birth, was equal to that of any former occasion. Impotent have been the attempts to diminish the warm affection and lessen the full confidence of the great body of his countrymen. They feel that he is their friend, and under his administration rest in certain security. Let his opponents console themselves with the faded merits of JEFFERSON—his adherents have the proud satisfaction of knowing that his talents and virtues are obvious.

The morning was welcomed by a discharge of Artillery—and the ringing of all the bells of the town. The Artillery Companies commanded by Capts. Johnson and Bray—the Window Blues, under Capt. Mellinger, and the Republican Volunteers, under Capt. Stutson, honored themselves by a public appearance. At noon, a grand salute was fired by the Artillery Companies and by the ships of war laying in the harbour. All the vessels displayed their colors.

A large and very respectable Company, attended an elegant Entertainment at Concert-Hall. The patriotic sentiments of this federal republican circle are exhibited in the following

TOASTS:

1. The MAN whose anniversary arrives to place him among the foremost in Order of Time; first in the List of Merit, JOHN ADAMS, the Achme of the Pyramid: May the Weight of his Character, consolidate, by its pressure, all the component parts of the Structure.
2. The Constitution—whilst its Base is extended over the utmost Limits of our Country, may its Apex, rise to the Regions of Inspiration and Glory.
3. The MEMORY of GEORGE WASHINGTON, and the sacred Sensations it excites.
4. Commonwealth of Massachusetts—conspicuous in the Federal Cause, as in the Eminence of her First Magistrate.
5. Governor STRONG—Pure in principle, temperate in Discussion and magnanimous in Resolve.
6. Our envoys to France—Moderation in their manners, Firmness in their measures, and Success in their Mission.
7. The Four Secretaries—The rectangular Balance of Power, may they support the executive, in the Centre.
8. Our Infant Navy; May the Eagle who perches on the Pines of the American Forest, never desert the Top of his Favourite Tree, when transplanted to the Ocean.
9. The Federal Cause; Perpetuity to its Principles, Unity to its Interests, and Individuality to its Views.
10. Remember Federalists! Your Compact, like Ruperts Drip, is the coalition of discordant Particles, immersed in their opposite Element; Union is the cementary Point break it, and you are dispersed to Atoms.
11. Honest Men and Leige, If in one Point their hopes and wishes centre; if with one heart, to ADAMS they rest true; come all the force of Faction's Friends, in arms, and they will shock them.
12. Faction; May it's Convulsions give Strength to Federalism, as the Bitumen of Babylon required Durability from the Action of Time.
13. First Principles; May they never be deserted for immaterial Differences.
14. May Wounds received by divided Friends, from the Political Tarantula of the Season, be healed by the full-toned Chorus of ADAMS & LIBERTY.
15. Whenever Jacobinism extends its Sphere, may it, like the Croak in the Pool, annihilate its Strength.

16. May the Pumpkin of New England, always overpread and destroy Poisonous Exotics, on the Field of Patriotism.
At night the Columbian Museum was Splendidly illuminated; and the Theatre was opened.
At Charlestown, the festive board was incircled by the grateful citizens. In the evening, a Concert was given, and an Oration was delivered at the Meeting House.—The receipts were appropriated to the use of the Organist. Mr. L. Mellen was the Orator.
At Salem the Day was celebrated with conviviality.

CHARLESTON, October 8.

Mr. Charles Pinckney has admitted, that it was he who moved for the limitation of Mr. Adams's residence as Minister in London to three years, instead of "during pleasure," as had been usual; but he says he had no interested motive. But several writers say, he has been heard to express without reserve, a strong desire for a foreign mission. This Mr. Pinckney, is the democratic senator from South Carolina, and not of the family of Thomas and Charles Cotesworth Pinckney. Mr. Adams evidently mistook them for the same family. It undoubtedly must have surpris'd him, to know that a Pinckney limited his embassy, and that a Pinckney succeeded him with an unlimited commission—and suspicions were naturally created when he found the British Minister particular in his enquiries about these very Pinckneys, as he supposed. But they are discovered to be persons of different sentiments. Major Pinckney never sought the situation of minister to the Court of Great-Britain—and did not know he was thought of for the office, till the Secretary of State informed him of his appointment. These are facts.

Foreign Articles.

Received by the ship Active, 34 days from London.

LONDON Sept. 24.

Yesterday arrived a Lisbon Mail, bringing accounts down to the date of the 11th inst. It now appears, that all apprehensions of a war with Spain have suddenly subsided; perhaps no apprehensions were ever entertained on this subject to the extent rumoured. The plan, however, it is said, has been entirely given up by the Court of Madrid. The dispatches which carried this welcome intelligence to Lisbon arrived there just after the unsuccessful attempt made by our fleet upon Ferrol.

Our letters from Lisbon state, that thirteen or fourteen ships, richly loaded, lately sailed from Maratham, under the protection of two brigs, they fell in with a French frigate and a brig, who sunk one of the brigs in the action; and it is feared have taken the greatest part of the convoy, as only one vessel has yet made its appearance.

There is report that Ministers mean to assemble Parliament sooner than was intended. The want of money can be the only reason for this—the Expeditions must have cost a great deal of expence, though that expence, being foreseen, must have been provided for. It always happens that the calls for money exceed what the most extravagant calculations had anticipated, and therefore money may be wanted. We do not, however, vouch for the truth of the report.

PETERSBURG, September 2.

Our Court Gazette, among other orders of the Emperor, contains the following:

There shall be two armies formed, one under the command of Count Pahlen, in Lithuania; the other under the General of Infantry, Golemichschew Kutusow in Volhynia: the first to consist of 13 regiments of cavalry, 24 of infantry, five of chassers, 13 battalions of grenadiers, two regiments of artillery, two companies of flying artillery, three companies of pioneers, with sappers and miners, and 15 regiments of Cossacks. The army in Volhynia is to consist of 14 regiments of cavalry, 24 of infantry, 6 of chassers, 11 battalions of grenadiers, one regiment and one battalion of artillery, with two companies of flying artillery, three companies of pioneers, with miners and sappers, and 16 regiments of Cossacks. With the army under Count Pahlen are the Generale Prince Alexander of Wirtemberg, Prince Charles of Mecklenberg, de Gervais, Baron Gerdorf, Drechiel, &c. And with the army under the Kukulskw, the Generals Bower, Esien, Count Witgenstein, Springarten, Count Langeron, Forster, Counts Rosen Monntensfel, &c.
His Imperial Highness the Grand Duke Constantine is appointed Inspector of the Cavalry of St Petersburg; Lieutenant Swetichin to be General of Infantry and Military Governor of St. Petersburg; and Prince Alexander of Wirtemberg to be a General of Cavalry.

PRINTING,

Neatly executed at the Office of the Gazette of the United States.

Book-Work---Pamphlets---Hand-Bills,
Cards---Blanks of all kinds,
Sec. Sec.
Will be printed at the
SHORTEST NOTICE.
August 25.

CONTINUATION OF THE LATEST Foreign Intelligence.

By the America, Capt. Swaine, arrived at Philadelphia in 24 days from London.

PARIS September 25.

On the 19th of September his Majesty the Emperor gave powers to Count Lehrback and to Baron Lauer to treat with the General of Brigade Laborie.

On the following day, the 20th of September the following Act was signed:

Consention for the prolongation of the suspension of arms between the French army of the Rhine and the army of his Imperial Majesty in Germany.

"The Count de Lehrback, Minister Plenipotentiary of his Imperial, Royal, and Apostolic Majesty in the Empire and with his army in Germany, and the Baron de Lauer, Field Marshal of the armies of his Majesty, on the one part, and the General of Brigade of the French army of the Rhine, Victor Faman Laborie, on the other part, charged reciprocally with the full powers necessary for concluding, signing a Convention relative to the prolongation of the suspension of arms, have agreed as follows:

Art. 1st. His Imperial and Royal Majesty, on the demand of the First Consul of the French Republic, and with the view of giving a proof of his desire to stop the scourge of war, consents that the fortresses of Philipburgh and Ulm, with the fortresses which depend on them, and that of Ingolstadt, which are comprehended within the line of demarkation which was fixed on by the convention of the 15th of July last, shall be put at the disposal of the French army, as a pledge of his intentions.

2. The garrisons which are in the fortresses shall depart freely with all that belongs to them, and shall go to the Imperial army of Germany.

3. The evacuation of these places, as well of the garrisons as of the stores of every kind, shall take place without delay, within ten days at farthest. There shall for this purpose be furnished by the French army, all the accommodations which are in its power to the means of making transports of every kind, which shall be at the charge of his Royal and Imperial Majesty. As to the occupation of one of the gates upon the principal communications, they shall, after the interval of five days, be given up to the French army. The choice of them shall be determined by delegates, who shall be immediately sent, with the shortest possible delay, to examine their state.

4. The warlike stores, and those of provisions, and the military chests, shall also be removed. The same thing shall be done with the artillery, with the exception of that of the Empire. This latter shall be examined and certified by delegates appointed for the purpose.

5. It shall be determined without delay, by a particular convention, what shall be the means of transport, and of the evacuation of these places, as well as what shall be the means of subsisting and removing the sick, who cannot be transported with the garrisons.

6. By means of the above arrangements, there shall be a prolongation of the armistice, and of a suspension of hostilities between the army of his imperial and Royal Majesty and his allies, and the army of the Rhine of the French Republic, for forty-five days, to count from to-morrow, and comprehending fifteen days for ratification of the resumption of hostilities, if they are to be resumed.

7. The General in Chief of the army of the Rhine, engages to procure a cessation of hostilities on the part of the army of the French Republic in Italy, in case they have there been resumed.

8. The line of demarkation fixed by the Convention of the 15th of July, is preserved in all its details under the modification comprehended in the 1st, 2d, 3d, 4th, and 5th articles of this agreement, and under those herein after mentioned.

9. The French army of the Rhine shall return, and be stationary on the two banks of the Iler, and the Imperial army of Germany upon the two banks of the Inn, each at the distance of 3000 toises, either from these rivers, or from places upon their course. There shall only be placed a chain of advanced posts upon the line of demarkation, fixed by the convention of the 15th of July last.

10. The dispositions of the above-mentioned convention shall be executed in every thing which is contrary to the present. Article 8th of that convention, of the 15th of July, is not only applicable to the inhabitants of the places above-mentioned in all its dispositions, but the General in Chief is at the same time invited to take into consideration the situation in which these inhabitants have been placed by the misfortune of war.

11. The present convention shall be sent by couriers to all the commanders of corps of the respective armies, both in Germany and Italy, with the greatest expedition so that not only hostilities may be, and may remain suspended, but so that the putting it in execution may be begun immediately, and finished in the term absolutely necessary, regard being had to distance.

12. There shall be named, by the Generals in Chief of the two Armies, Delegates for the execution of the articles of the above Convention, who shall see to the execution.

I rechanged at Hohenindem, the 20th of September, 1800
(Signed) COUNT DE LEHRBACK.
LAUER, Field Marshal.
VICTOR F. LABORIE.
(True Copy) MOREAU, General in Chief.

PARIS, September 26.
We learn that the Spanish Government has imposed new restrictions and duties on foreign merchandise.

ACTS OF GOVERNMENT.
Decree of the 24th of September.

Buonaparte, First Consul of the Republic, decrees as follows:

1. The General of Division, Clarke, is appointed extraordinary commandant of Luneville, and of the whole of the department of La Meurthe.
2. He shall correspond during that command directly with the Government.
3. Measures shall be taken for establishing a correspondence with Luneville, by means of a telegraph.
4. General Clarke shall immediately repair to Luneville, and take every step necessary for holding a Congress.
4. The Minister at War is charged with the execution of the present decree.

(SIGNED) BUONAPARTE.

LONDON, October 1.

The last Paris Papers contain the following extract of a letter from Barcelona, dated September 5:—"Cabanos, the Consul of the Batavian Republic had two frigates in our Roads fitted out on account of his Government and bound for Batavia. On the 25th or 26th of August an English ship of the line & two frigates hove in sight, & reconnoitred these vessels for several days. On the 4th of September the English seized a Swedish merchantman, on board of which they put from 3 to 400 men, who approached the frigates in the dusk of the evening without being observed from the forts. By nine o'clock the frigates which had on board 400,000 of reals, and 48 pieces of brass cannon entirely new, and the finest in the arsenal had fallen into the hands of the enemy, after a feeble resistance. The crew of one of the frigates whose numbers were very few contented themselves with making a few discharges only of musquetry. The English however, in order to deceive the garrison, continued to fire as if the frigates were defending themselves—This stratagem succeeded, and the forts did not open their fire until it was too late. As to the Swedish vessel, the Pilot having observed that it was contrary to the law of nations to compel her to aid their criminal purpose, they answered him by discharging a pistol at him and killing him, on the spot. They also fractured the leg of one of the sailors, and ill-treated the Captain, clapping a pistol to his throat."

A letter from Barcelona dated the 7th of September, in the French papers, states that the distemper which rages at Cadiz, is neither the plague nor the yellow fever. It assigns no name to this epidemic disorder which carries off great numbers of people. It is justly considered at Barcelona as very strange that no precautions had been taken to prevent its introduction there.

We are extremely sorry to learn, by authentic letters from Cadiz, of the 5th ult. the latest date in town, that the mortality in that city has been much greater than there was reason to suppose. The epidemic disorder, or, as some suppose it the plague, which prevails there, carried off no fewer than 3600 persons between the 18th of August and the 5th of September, on which day 207 persons died. The disorder generally carries off those whom it attacks, on the 3d or fourth day. The first symptoms are a pain in the limbs and bones, and violent vomiting. About 30,000 inhabitants have fled the city, and about 40,000 remain in it. No person is now suffered to leave Cadiz, and a cordon of troops is drawn along the peninsula to prevent any intercourse with the country.

We some time since announced that several districts in China had been inundated by the overflowing of the Tay and Kiam rivers. Recent accounts state the consequences to have been most calamitous.—The vast quantities of slime and mud left on the subsiding of the water, and the accumulation of putrid bodies with which its surface had been covered, has occasioned a malignant epidemic disorder, which had proved fatal to upwards of 100,000 persons.

October 2.

A gentleman at New-York, in a letter dated the 24th July last, says, that in America the crops of grain were never so abundant; and we may hope that government will turn this happy circumstance to the advantage of this country, by a plentiful importation.

Notwithstanding the long prolongation of the armistice, large bodies of Dutch troops have just been sent from Holland to the Rhine.

October 3.

Among other extracts from the Paris papers, received on Wednesday, we have given this day some interesting, but evidently misrepresented particulars, concerning the capture by the English of two frigates, under Spanish colours, at Barcelona, brief mention of which was made in this paper some time since; as also a speculative article from the Monitor, the object of which is to represent our naval superiority as degenerating to Europe, with a view to inspire other nations with a spirit of resistance to us; to prevail upon them to shut their ports to our commerce; or even to combine against us, offensively should the war continue. Perusing this curious paper throughout, it reminds us much of the speech of the mouse in the fable, who recommenced hanging a bell about the cat's neck!

Nothing farther has transpired respecting the maritime armistice. The papers which pledged their reputation for its having been signed some days since, observe a full silence on the occasion.