

after party mount the rostrum, and glut the guillotine rarely!—The wonder is, that any sensible man dare expose himself to such certain destruction. I firmly believe the people of France heartily wish for peace with England, in spite of the Conventional bravadoes and Philippics; and are as heartily sick of their revolutionary phrensy! I should be as loth to see their system introduced here, as for monarchy among your wife and happy republics.—Since the death of Robespierre, they treat our prisoners very kindly, and of late have released and let over most of our officers and ladies—but our women they wisely retain in durance vile.”

Philadelphia,

WEDNESDAY EVENING, SEPTEMBER 23, 1795.

EXPORTS OF PENNSYLVANIA.

The exports of the city of Philadelphia for three months, (April, May and June) 1795, were 3,898,400 dolls.
Note. The exports of the whole year 1791, were only 3,864,969 dollars and 44 cents.

By Paris papers, received by the Four Friends, Capt. Glens, we find, in the sitting of the French National Convention, on the 12th of July, the following letter was read from General Hoche, Commander-in-Chief of the republican armies on the coast near Brest, to the committee of public safety, dated

“Landean, July 4.

“The committee may be persuaded, that if I write you, it is not from negligence, but because I am very busy. The moment is come in which rebels will be annihilated. Three times have your publications already made them feel the extent of your valour. We are but two leagues from the coast, and when the committee receives this news, our country may have been avenged.”

Extra of a letter from a respectable character, dated Bermuda, August 3, via Norfolk.

“It may not be amiss to inform you, that the privateers from this island, are bringing in all vessels from France, indiscriminately, and all vessels from the continent bound to France with provisions on board. The Hamilton, from Alexandria, for France, arrived a few days ago. There are here now eighteen sail of American ships and brigs, and the conduct they are now observing to the captains and crews, is highly alarming and cruel. They leave no person on board the captured vessel, except the captain. The mates, seamen, passengers, &c. are kept on board the privateers, or ships of war, during the cruise, and made to do duty.”

At a meeting of the inhabitants of the county of Philadelphia, at George Egger's tavern, in the township of the Northern Liberties, on Saturday evening, the 19th September, 1795—

It was unanimously agreed, That it is expedient and proper to fix upon a more general place for the county meeting, previous to the general election, than Germantown, the last place of meeting.

It was likewise unanimously agreed, That public notice be given, and public notice is hereby given to the inhabitants of the county of Philadelphia, that a meeting will be held on Saturday the third day of October next, at one o'clock, at the house of John Snyder, at the sign of the Robin Hood, in Poplar-lane, near Third-street, for the purpose of nominating suitable persons for the next general election, to represent the county of Philadelphia in the Senate and House of Representatives of the State.

Port of Philadelphia.

ARRIVED

Schooner Dolphin, Pesbody, Miamachias, N. B. Sloop Harmony, Callow, Jeremie
Capt. Callow left at Jacquemel, the schooner Delaware of Philadelphia, and a number of other American vessels.

CLEARED

Brig New York, Strong, Charleston
Schooner Periphias, Dunn, New York
Sloop Driver, M'Lhorion, Cape Nicholas Mole
Nancy, Gardner, Cedar Point
Phoenix, Tennis, Richmond
Polly, Williams, New York
Industry, Tracy, New London
Ditto, Barnes, Stonington

By this Day's MAILS.

NEW YORK, September 22.

DIED.—At Bellevue, on Saturday last, of a short but severe illness, Mr. WILLIAM DUNCAN, Editor of the New York Directory for some years past; a native of North Britain.

On Wednesday last, after a short but afflicting illness, which he bore with christian fortitude, Mr. DANIEL STANBURY, in the 35th year of his age.

On Friday evening last, Mr. JOHN LEWIS VAN ENDEN, merchant of this city.

Committee of Health.

The Committee appointed to prevent the introduction of a spreading of Infectious Diseases in this city,

REPORT,

That Fourteen persons have died of the present Epidemic in this City, and Three at Belle-Vue, since their report of last evening.

By order of the Committee,

JOHN BROOME, Chairman.

Monday Evening, Sept. 20, 1795.

BOSTON, September 18.

ACTION IN THE MEDITERRANEAN.

Capt. BENNET, from St. Ubes, in 53 days, mentions, That a report was prevalent there, said to have been received from the Mediterranean, of an engagement between the French and English fleets in those Seas, in which the English lost Six ships of the Line. Both fleets we know have been at sea; and we have no later information to prevent our giving due credit to this News.

Sept. 15. Arrived here brig Mary, Bennet, in 53 days from St. Ubes. Left there, Union, Jones, Bolton; Mary, Shaw, do. Perseverance, Tittle, Salem; Hercules, Gauncey, Portsmouth. Parted company with the Ft. Hebe, M'Ker, for Philadelphia, of the Western Islands—the ship leaky. Sept. 12. Lat. 42, 44 long. 66, 38, spoke the Betsey of New-London from Kennebeck for Bar-

FROM THE ARGUS.

THE DEFENCE—No. XVII.

The eighth article provides merely, that the commissioners to be appointed in the three preceding articles, shall be paid in such manner as shall be agreed between the parties, at the time of the exchange of the ratification of the treaty, and that all other expence attending the commissions shall be defrayed jointly by the two parties, the same being previously ascertained and allowed by a majority of the commissioners and that in case of death, sickness or necessary absence of a commissioner, his place shall be supplied in the same manner as was first appointed; the new commissioner to take the same oath of affirmation, and to perform the same duties as his predecessor.

Could it have been imagined, that even this simple and equitable provision was destined not to escape unscathed? as if it was predetermined that not a single line of the treaty should pass without the imputation of guilt; nothing less than an infraction of the constitution of the United States has been charged upon this article. It attempts, we are told, a disposition of the public money unwarranted by and contrary to the constitution. The examination of this wonderfully sagacious objection, with others of a similar complexion must be referred for the separate discussion which has been promised of the constitutionality of the treaty.

Let us proceed for the present to the ninth article.

This article agrees, that British subjects, who now hold lands in the territories of the United States, and American citizens who now hold lands in the dominions of his Britannic majesty, shall continue to hold them, according to the nature and tenure of their respective estates and titles therein; and may grant, sell or devise the same to whom they please in like manner as if, they were natives; and that neither they nor their heirs or assigns, so far as may respect the said lands and the legal remedies incident thereto, shall be regarded as aliens.

The misapprehension of this article which was first ushered into public view, in a very incorrect & insidious shape, and was conceived to amount to the grant of an indefinite and permanent right to British subjects to hold lands in the United States did more it is believed, to excite prejudices against the treaty than any thing that is really contained in it. And yet when truly understood it is found to be nothing more than a confirmation of those rights to lands, which prior to the treaty, the laws of the several states allowed British subjects to hold; with this inconsiderable addition, perhaps that the heirs and assigns of those persons, though aliens may hold the same lands: but no right whatever is given to lands of which our laws did not permit and legalize the acquisition.

These propositions will now be elucidated.

The term, hold, in the legal code of Great Britain and of these states, has the same and that a precise technical sense.—It imports a capacity legally and rightfully to have and enjoy real estate, and is distinguished from the mere capacity of taking or purchasing which is sometimes applicable to the acquisition of a thing, that is forfeited by the very act of acquisition. Thus an alien may take real estate by purchase but he cannot hold it. Holding is synonymous with tenure, which in the feudal system implies fealty of which an alien is incapable.—Land, therefore, is forfeited to the government, the instant it passes to an alien. The Roman law nullifies the contract entirely, so that nothing passes by the grant of land to an alien; but our law derived from that of England, permits the land to pass for the purpose of forfeiture to the state.—This is not the case with regard to descent, because the succession or transmission there, being an act of law and the alien being disqualified to hold, the law consistent with itself calls no estate upon him.

The following legal authorities selected from an infinite number of similar ones, establish the above positions, viz. Coke on Littleton, page 2, —3 “Some men have capacity to purchase but not ability to hold. Some capacity to purchase and ability to hold or not to hold, at the election of themselves and others. Some capacity to take & to hold. Some neither capacity to take nor to hold. And some are specially disabled to take some particular thing. If an alien christian or infidel purchase houses, lands, tenements, or hereditaments to him and his heirs, albeit he can have no heirs, yet he is of capacity to take a fee simple but not to hold.” The same, page 8. “If a man seized of land in fee, hath issue an alien he cannot be heir propter defectum subjectionis.” Blackstone's Commentaries, Book II. Chap. xviii. § 2. “Alienation to an alien is a cause of forfeiture to the crown of the lands so alienated, not only on account of his incapacity to hold them, but likewise on account of his presumption in attempting by an act of his own to acquire real property.” Idem, Chap. xix. § 1. “the case of an alien born, is also peculiar, for he may purchase a thing but after purchase he can hold nothing, except a lease for a house for the convenience of merchandize.

Thus it is evident, that by the laws of England which, it will not be denied agree in principle with ours, an ALIEN may take but cannot hold lands.

It is equally clear, the laws of both countries, agreeing in this particular, that the word hold, used in the article under consideration, must be understood according to those laws, and therefore can only apply to those cases in which there was a legal capacity to hold in other words, those in which our laws permitted the subject, and citizens of the two parties to hold lands in the territories of each other. Some of these cases existed prior to the treaty of peace, and where confiscations had not taken place, there has never been a doubt that the property was effectually protected by that treaty.—Others have arisen since that treaty under special statutes, of particular states; whether there are any others depending on the principles of the common law, need not be enquired into here, since the late treaty will neither strengthen nor impair the operation of those principles.

Whatever lands, therefore, may have been purchased by any British subject since the treaty of peace, which the laws of the state wherein they were purchased did not permit him to acquire and hold, are entirely out of the protection of the article under

consideration; the purchase will not avail him; the forfeiture which was incurred by it is still in full force. As to those lands which the laws of a state allowed him to purchase and hold, he owes his title to them, not to the treaty.

Let us recur to the words of the article, “British subjects who now hold lands shall continue to hold them according to the nature and tenure of their respective estates and titles therein.” But it has been seen that to hold lands is to own them in a legal and competent capacity, and that an alien has no such capacity. The lands, therefore, which by reason of the alienage of a British subject, he could not, prior to the treaty, legally purchase and hold—he cannot under the treaty continue to hold. As if it was designed to render the conclusion palpable, the provision goes on to say. “According to the nature and tenure of their respective estates and titles therein.” This is equivalent to saying, they shall continue to hold as they before held. If they had no valid estate or title before, they will of course continue to have none—the expressions neither give any new, or enlarge any old estate.

The succeeding clauses relate only to descents or alienations of the land originally legally holden.—Here the disability of alienage is taken away from the heirs and assigns of primitive proprietors. While this will conduce to private justice, by enabling the families and friends of the individuals to enjoy their property by descent or devise, which, it is presumable, was the main object of the provision, there is no consideration of national policy that weighs against it. If we admit the whole force of the argument, which opposes the expediency of permitting aliens to hold lands (and concerning which I shall barely remark here that it is contrary to the practice of several of the States, and to a practice to which some of them have hitherto derived material advantages) the extent to which the principle is affected by the present treaty is too much limited to be felt; and in the rapid mutations of property, it will every day diminish. Every alienation of a parcel of the privileged land to a citizen of the United States, will as to that land, by interrupting the chain, put an end to the future operation of the privilege; and the lapse of no great number of years may be expected to make an entire revolution in the property, so as to divert the whole of the privilege.

To manifest the unreasonableness of the loud and virulent clamour, which was raised against this article, it has been observed by the friends of the instrument, that our treaty with France not only grants a much larger privilege to the citizens of France, but goes the full length of removing universally and perpetually from them the disability of alienage, as to the ownership of lands. This position has been flatly denied by some of the writers on the other side. Decius, in particular, after taking pains to shew that it is erroneous—that the terms “goods moveable and immovable,” in the article of our treaty with France, mean only chattels real and personal in the sense of our law, and exclude a right to the freehold and inheritance of lands, triumphantly plumes himself on the detection of the fallacy of the writer of certain “Candid remarks on the Treaty,” who gives the interpretation above stated to that article.

The error of Decius's interpretation, proceeds from a misunderstanding of the term goods in the English translation of the Article, to which he annexes the meaning assigned to that term in our law, instead of referring, as he ought to have done, to the French laws for the true meaning of the correspondent term biens, which is that used in the French original. Goods in our law, no doubt, mean chattel interests; but goods or “biens” in the French law, means all kinds of property, real as well as personal. It is equivalent to, and derived from the term bona in the Roman law, answering most nearly to “estates” in our law, and embracing inheritances in land, corporeal and incorporeal hereditaments, as well as property in moveable things. When it is necessary to distinguish one species from another, it is done by an adjective—biens meubles et immeubles,” answering to bona or res mobilia, or immobilia, things moveable and immovable, estates real and personal.

(Remainder To-morrow.)

Philadelphia, September 23.

This morning about 4 o'clock, a fire broke out in a small wooden building near the corner of Vine and Water-streets, which consumed the same.

Letters by this day's mail from New-York continue to detail the unpleasant circumstances attendant on the raging sickness in that City.—The change of the weather has not produced any favorable change in relation to the Disorder.—The alarm has at length become general, and the people are moving out of the City in great numbers. The Markets are very thinly attended—sixteen stalls are said to be vacated in the Fly Market.

The Butchers of Philadelphia acquired great credit in the time of the yellow fever in this city; by continuing to attend the market thro' the whole time. Those of New York, will we doubt not, follow to good an example. Thousands must remain at all events in the city, and those thousands must be fed.

NEW HOSIERY.

BARTHOLOMEW CONOLLY,
At his HOSIERY STORE, No. 48 Chestnut Street,
RESPECTFULLY informs his Friends and the Public in general, that he has just received by the ship Liberty from Liverpool, a further supply of
Men's & Women's Silk and Cotton
HOSIERY.

Among which are a very extensive assortment of Gentlemen's plain white, fancy, and patent Silk, superfine fancy plated silk and cotton, fine white, plain, and ribbed cotton—a very large assortment of fancy Patent and fine random fancy cotton, &c. which will sell upon the most reasonable terms by the dozen or single pair.

A General Assortment of every other article of DRY GOODS, newly imported.

Those gentlemen who please to favor B. C. with their commands, will meet with at his store, a most elegant, extensive, and well chosen assortment of every description of Hosiery. Also, a great Variety of
Gentlemen's Out-fizes.

June 23 1795

FOR THE GAZETTE OF THE UNITED STATES.

Mr. FENNO,

A Little Plain Truth to the Jacobins of America.

IF the secret history of this debt contracted in France was published, it would discover the origin of many fortunes which have astonished us. It is certain, for instance that M. de Vergennes disposed of those loans at pleasure, caused military stores and merchandizes to be furnished by persons attached to him, and suffered not their accounts to be disputed. It is a fact that in his accounts with Congress, there was one million of livres that he never accounted for, after all the demands that were made to him. It is likewise a fact, that out of the forty seven millions pretended to be furnished in the above articles by France to Congress, the employment of twenty-one millions is without vouchers. Many fortunes may be made from twenty-one millions.

M. Beaumarchais, in a memoir published two years ago, pretends to be the creditor of Congress for millions. I have in my hands, a report made to Congress by two respectable members, in which they prove, that he now owes Congress 743,413 livres and a million more, if the wandering million above mentioned, has fallen into his hands. These reporters make a striking picture of the manœuvres practised to deceive the Americans.

Will not the National Assembly cause some account to be rendered of the sums squandered in our part of the American War? or rather the sums which, instead of going to succour those brave strugglers for liberty, went to adorn the bed-chamber of an actress? Adeline did more mischief to the Americans, than a regiment of Hellians.

Where are the accounts of her favourite Veymerange? Why has not Mr. Necker drawn the impenetrable veil which screens them from the public? and he himself has he nothing to answer for the choice he made of corrupted, weak, and wicked agents, and the facility with which he raised their accounts?

* Briffott de Warville Travels.

The GEORGIA COMPANY,

BEING desirous to do justice to those interested therein, and holding Certificates issued by the Grantees thereof, inform the holders of such certificates that a meeting of the Company will take place on the 25th of October ensuing, at Augusta, when the company will proceed and endeavor amicably to adjust the claims of individuals having such certificates, and who may then be ready to pay the respective sums due thereon.

By order of the Company,

GEORGE WALKER, Secretary.

Philadelphia, Sept. 12, 1795. *d1w

A Quantity of India Bandanoes,

Just Arrived and for Sale by

MORDECAI LEWIS,

Who has also to dispose of,

A few bales of Book and other East India Mullins
Russia Sheetings
do. Sail Cloth
Ravens Duck
Barcelona Handkerchiefs in boxes
A case of Diapers
A bale of Bed-side Carpets
Roll Brimstone
New Castle Grindstones
16 hds. James River Tobacco, of excellent quality, &c. Sept. 23 3aw1m

For BOSTON,

The Schooner

POMONA,

Lying near the Crooked Bill, above Chestnut Street, and will sail in 5 or 6 days. For freight or passage apply to
LANE & GODFREY,
or to the captain on board, GEORGE GARDNER.
Who has for sale, Candles, Cheese, Salmon in kegs, &c. shoes by the barrel, southern oil, a few bbls. Pearl-sh. Sept. 23 d1t

FRAUNCES'S TAVERN.

No. 59 South Water Street.

THE Subscriber respectfully begs leave to inform his friends and the public in general, that he has removed from No. 166 South 2d Street, to that large, commodious, House in Water-street, between Chestnut and Walnut Streets, lately occupied by Mr. Isaac Haskins, and, on which he has spared no pains or expence, to make it convenient and agreeable for the reception of gentlemen. The House being situated on the same spot where the noted Beef Steak and Punch house formerly stood, has the advantage of the best water in this city, known long since by the name of the Green Tree Water. As there are several elegant Rooms, sufficiently large to accommodate any Society or company of gentlemen, and from his well known abilities to please in the line of his business, he flatters himself with a continuance of that patronage which he has experienced since he first opened a Public House in this City, and, for which he begs leave to make a public acknowledgment.

For the accommodation of Small Parties, the Large Coffee Room on the ground floor is conveniently fitted up with a number of Boxes, constructed in such a manner as to admit Gentlemen to be as private as they please—Where may be had, at any hour, Soups, Beef-steaks, Relishes, &c. &c.

He has on hand, and will keep a constant supply of Spirituous and Malt Liquors, of the best qualities.

Breakfasts provided—Also Dinners and Suppers cooked in the most approved manner, at a short notice, and Delivery of all sorts, made to order, in the House, or to send out at any hour.

He has several well furnished Bed Chambers, for Boarders and Lodgers, by the Week, month, or year.

SAMUEL FRAUNCES.

June 2.

AT a Meeting of the Stockholders in the Insurance Company of the State of Pennsylvania, on the 25th May last, convened for the purpose of fixing the time of payment of the remaining part of the Capital Stock of said Company,

Resolved, that the remaining sum of two hundred dollars per share, be paid on the 6th day of November next, under the penalties annexed to default by the act of Incorporation.

Published by order of the Meeting,

SAMUEL W. FISHER, Secy.

June 27

OHIO COMPANY.

DEEDS to the proprietors in the agency of Winthrop Sargent, are deposited with Thomas M'Esu, No. 78, Chestnut street, Philadelphia, and ready to be delivered when called for. A second dividend of the Funds has been declared, which proprietors may receive by a draught upon the treasurer of the company.

N. B. Eight dollars are due upon each share, for expences of the agency.

September 20th, 1795.

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