

New Theatre.

The Entertainments of the New Theatre will be postponed till Monday, the 30th Inst. on account of the preparations necessary for the Historical Play of COLUMBUS.

College-Hall.

READINGS and RECITATIONS,

Moral, Critical, and Entertaining.

MR. FENNELL

Respectfully informs the Public, that

THIS EVENING, Monday, Jan. 23, at 7 o'clock

Will be delivered,

(FIRST PART)

The Death of Julius Cæsar.

Anthony's Funeral Oration, (recited)

The effects of Anthony's Oration considered.

The Death of Cicero.

The Death of Brutus and Cassius.

(SECOND PART)

Edwin and Angelina

Elegy in a Country Church Yard,

(THIRD PART)

The Deserted Village, (1st part)

(2nd part)

TO-MORROW EVENING, Tuesday, January 24,

Will be delivered,

(FIRST PART)

Beauty and other pleasures of Taste.

On the Means of Improvement in Taste, including

selections from Dr. Blair.

(SECOND PART)

The Choice of Hercules, or

The Triumph of Virtue,

(THIRD PART)

Ode to Truth,

Satan's Address to the Sun,

Ode to Madness,

Tickets to be had of Mr. Poulton, jun. at the Library; at Mr. M'Elwee's looking-glass-store, No. 70, S. Fourth-street; and at Mr. Carey's, Bookeller, Market-street—Half a dollar each.

Admission tickets for Children (a quarter of a dollar each) to be had at either of the above places.

NOTICE.

Persons having Goods on board the Ship Perseverance, James Williamson, master, bound from Hamburg to this Port, and lately put into New-York, where the Vessel is discharging, will please apply to THOMAS and JOHN KETLAND, Philadelphia, Jan. 21, 1797.

Loft or Mislead,

At the Bank of the United States, Joseph Higbee's Note, dated 29th December last, for twelve hundred dollars, payable at 60 days to Nathaniel Lewis & Son. Whoever will find the same will please return it to said Bank, or to the subscribers, who will allow a reward. Payment being barred, it cannot be of use to any other person. NATHANIEL LEWIS & SON, January 5. J. 21. 31

FOR SALE,

A very Valuable Estate,

Called TWITTENHAM, situate in the township of Upper Derby, and county of Delaware, 7 1/2 miles from Philadelphia, and half a mile from the new Western road, containing 230 acres of excellent land, 45 of which are good watered meadow, 90 of prime woodland, and the rest arable of the first quality. There are on the premises a good two story brick house, with a rooms on a floor, and cellars under the whole, with a pump-well of excellent water in front; a large frame barn, stables and other convenient buildings; a smoke-house and stone spring-house; two good apple orchards, and one of peaches. The fields are all in clover, except those immediately under tillage, and are so laid out as to have the advantage of water in each of them, which renders it peculiarly convenient for grazing. The situation is pleasant and healthy, and from the high cultivation of the land, the good neighbourhood, and the vicinity to the city, it is very suitable for a gentleman's country seat.

The foregoing is part of the estate of Jacob Harman, deceased, and offered for sale by

Mordecai Lewis,

Or 31. law Surviving Executor.

CONGRESS OF THE UNITED STATES.

HOUSE OF REPRESENTATIVES.

Wednesday, January 4, concluded.

The report of the committee of Ways and Means on the subject of the balances due from individual States to the United States being under consideration.

Mr. Sitgreaves said, from the nature of the objections which had been made, he should have been as well satisfied if the present subject had not at all been stirred; but having been moved, it ought not to be abandoned. And this flowed from the nature of the objection offered; because, if they had a right, they had the moral or physical power of enforcing that right. There could be no doubt, if the money was due, it ought to be paid, and every consideration of expediency pointed out this as the proper time. He knew he had heard the gentlemen from New-York, over, and over, and over again, deny that the debt was due; but, supposing this to be the case, why not make the application? If, when that application was made, any state did not chuse to pay the money, they would of course state their objections. But he was well satisfied they ought not to stop at making the demand. They had been told, though not in direct terms, in such as were well understood, that we might demand if we pleased; but, under the present impressions of New-York, they would not pay the debt said to be due from them. They had been told by other gentlemen that they had not the means to coerce the payment. If this were the case, it was proper they should lay hands upon the only thing in their power, which was their share of the public debt of the union.

By this, Mr. S. said, it would be seen, that he meant to revive the question of the gentleman from Virginia (Mr. Nicholas). He was very indifferent about the fate of the former motion, because he

knew there was no rule of order that could prevent an amendment being introduced in the committee of the whole for discussion. He said, if they could get at this money, without violating any principle of right, they ought to lay hands on at least a debt of 1,200,000 dollars, for which they were receiving interest; more especially as this was a part of the balance found against them in the settlement of the accounts.

Mr. S. said he could draw no analogy between the present business and the British treaty, and wondered any gentleman should think of introducing that subject. It might be perfectly true, he said, that it would be improper for one nation to lay hands on the property of another; but, was there any law to prevent him from laying hold of his antagonist; and if, said he, the property of the state of New-York is in my hand, and she owes me money; where was the propriety of paying with my right hand, when there was an uncertainty of receiving with the other? He thought there could be no objection on this ground; but there was an objection on account of the negotiability of government paper. He owned he had scruples on that subject. The gentleman from Virginia having doubtless considered the subject, could perhaps remove them. In order therefore to bring the motion before the committee, he moved to add the following amendment.

Resolved, that any transfer of the debt of the United States in the books of the treasury, held by any of the debtor states, by the settlement of accounts between the several states and the United States, or by any person holding evidences of the said debt, shall be withheld, until the balances of the said states shall be discharged.

Mr. Nicholas said he did not understand what scruple the gentleman from Pennsylvania could have about the transferable property of these debts. He was satisfied with respect to New-York, and it was impossible any other corporate body or person could be affected by the motion. The transfer, he said, was a sale of the property, therefore, a denial of transfer would completely prevent any person from being involved in this measure besides the state in question.

Mr. Gilbert asked the gentleman last up, if there was no difficulty of a constitutional kind in the way of this measure? If he understood the constitution, they could not pass an ex post facto law. Had they not already said this paper should be transferable? If so, had they a right to say it should not be transferable? Was this the regard which the Legislature intended to shew to its own faith? He trusted it was not.

Mr. Porter objected to the present motion. He said the state of New-York was a debtor or not. She would either shew herself not to be a debtor, or pay. But to pass this resolution would be to consider them as swindlers. If it was a debt, he was confident they would pay it.

Mr. P. said he could not account for the manner in which the gentlemen from New-York had managed this business. In one place they say they have no authority to act, and yet in the next moment they proceed to oppose the resolution to call upon their State for the debt, as if they supposed that unless they opposed the business, their state would be so simple and honest as to pay, without objection. But, for his part, until he knew whether that state would pay this debt, or not, he should believe they would pay it honorably.

Mr. Williams defended the conduct of the delegates from the state of New-York.

Mr. Gallatin wished the mover to modify the resolution, so that it should not affect any state to a greater amount than the debt they owed. For instance, the balance against Pennsylvania was about 80,000 dollars, but she had upwards of 400,000 in the funds, and he should wish that the provision should not reach to a higher sum than the 80,000. He said he had, however, no sort of view to Pennsylvania, because he believed she would make no objection to fulfil her engagements.

An amendment to this effect was introduced, when the question was put and negatived, 45 to 30.

The original resolution being under consideration.

Mr. Henderson said, he should not have rose, but for an observation of the gentleman from New-York (Mr. Gilbert.) That gentleman had said, "That he did not believe there was a member of that committee who really believed the balance found against the state of New-York, to be just."

Mr. H. said, if he were of this opinion he should vote against the resolution; but believing, as he did, that the balances were just, being settled by men of abilities and integrity, who had no interest to do other than right, and as no objection had ever been made by any of the states against the balances, he should think himself unfaithful to his constituents if he did not vote for it. He begged, therefore, the gentleman would except him from the number who did not believe the debt just.

Mr. Gilbert allowed the gentleman might be an exception.

Mr. Thatcher believed the debts just, and desired to be another exception.

Mr. Potter said one gentleman from New-York talked of the great exertions of that state in the war, another came forward and said he did not believe there was a member in the house who believed in his heart the debt was just. Every state in the Union, he said, might come forward and boast of what what they had done; but it would serve little purpose; for his part, he believed New-York had done the least, and been benefited more than any two states. He wished also to be excepted from the gentleman's account. He thought the debt just.

Mr. Burgels read some observations, which stated the hardships experienced by North-Carolina during the war; and as to the debt which she was said to owe, she could not pay it. Mr. B's voice was so low, that it was impossible to take a sketch of his ideas.

Mr. S. Smith said he was one of those who could have wished the present subject had not been bro't before the house; but being before it, he was ready to give his vote for the measure, as it was incumbent upon them to endeavor to get the balance paid. The gentlemen from New-York and North-

Carolina had complained of the injustice of the debt. The state which he represented, he said, was a debtor state, and they were willing and able to pay. The gentlemen from New-York, it appeared, were anxious to have the whole business opened again. One of those gentlemen gave as a reason for this, that stores in the account were charged more in one state than in another. He saw no injury in this, as flour might be purchased in Virginia at 7 dollars a barrel, when in Pennsylvania it might be 11. This single objection shewed what cavilling would be the consequence of an opening anew of the accounts.

Mr. S. said it appeared to him that the state of North-Carolina had less reason to complain, than any other state in the Union. He did not mean to say that they exerted themselves less, and he believed the exertions of New-York were not exceeded, according to her means, by any other state.

An observation, he said, had been made on the subject of assumptions, by a gentleman from North-Carolina. He meant not to have ripped up this business afresh; but since it had been mentioned, he would say their debt had been occasioned by too high an assumption; if that had not been the case, they would have had to receive a very considerable sum. How, he asked, did New-York get possession of her treasure? By the blood and treasure of the whole, in her vacant territory. This was the way in which she became rich, and it was extraordinary that a state which had gained so much by the revolution, should be averse from discharging her just debt. How they were to get at this debt, he knew not, but they must pay. It was doubted it would not be paid; but he trusted that a state famed for her order and good government, would not refuse to pay a debt so justly due.

When the mode of settlement was agreed to, Mr. S. said, none knew who would be debtors and who creditors. All acquiesced in it. Why, then, talk about going anew into the business, which might take them a year to settle the principles upon which it should be opened?

He trusted these balances would be paid, as the representatives of creditor states would be very unwilling to lay a direct tax upon their constituents until they were discharged.

Mr. Blount observed, that he had said so much on a former occasion upon this subject, and knowing that whatever he might say would have no effect upon the decision, he meant to have satisfied himself with shewing by the yeas and nays, that he had not been consenting to the measure. But when he heard the gentleman from Maryland (Mr. Smith) say "that North-Carolina had less reason than any other state to complain," it would have been criminal in him to have been silent. He had made the assertion without a single fact: it could not be true. He believed the United States would not believe it. Were not Georgia and South-Carolina, Mr. B. asked, defended by North-Carolina? Could it have been believed that Georgia was a creditor state, when charged on the ratio of two representatives when entitled to less than one. Had not South-Carolina militia from North-Carolina in almost every month of the war? Such an assertion was one, that, on reflection, the gentleman would be ashamed of having made.

Mr. S. Smith defended his assertion, which he grounded on her debt having been very considerably over assumed.

Mr. Blount said, if they had no other grounds of complaint, they should have complained of this. If North-Carolina had had no debt assumed, he said, she would have been a creditor for more than two millions. She would have sunk the debt, instead of having a debt of more than 430,000 at home, and under a charge of owing to the United States more than 500,000 dollars.

Mr. Livingston said it was extraordinary, that gentlemen should be continually insisting upon the impropriety of going into an enquiry whether the claims in question were just or unjust, yet they themselves went into comparisons betwixt the services of different states. He would not make any comparison on the subject; but he would do what he thought necessary, viz. testify to the world his objections to the present proceedings. He had already taken up so much time of the committee, which however had been mostly employed in fruitless attempts to get the business postponed, that he should be unwilling then to trespass long upon their patience.

This business, he said, originated under the old confederation. The states agreed upon an order for the settlement of their debts; but in the new constitution they entered into a new governmental compact for the settlement of these debts, so that it was found to be necessary to take up the subject. They therefore found two laws passed. Here, he said, was the great evil which New-York had to complain of. Here, every state who wished to set aside the settlement, should point. The United States, who was a party concerned, passed a law appointing commissioners and prescribing rules to govern the two parties, without any delegation from the states. All the states, he said, would always have an interest in throwing a burden upon one state, and the injustice complained of would appear, if it was shewn that this was done. It was not only their interest, he said, to do this, but rules had actually been prescribed which were unjust to some of the states. This law, he said, was passed. New-York had no representative in the business who had the power to bind her to this new settlement. The accounts of that state were kept clear and regular, with vouchers to every charge; but in this law, it was allowed to the commissioners to receive accounts unsupported by vouchers, if they should see proper. He asked if this were just to those who had been scrupulously correct? If it were just, he thanked God he had never learnt or practised upon such principles of justice. Another rule established was, how the debt should be divided amongst the different states. The states had prescribed rules, under the old confederation; but these were changed by this law. It was now settled that the rule of apportionment should be made upon a scale of population. How this affected New-York had been shewn by one of his colleagues (Mr. Williams). From forty or fifty thousand inhabitants, which was about their number at the conclusion of the war, from emigration, they had then one hundred and

thirty or one hundred and forty thousand. He asked, therefore, whether this rule was just? If it was not, how could gentlemen be charged with advocating unfounded positions, and even have a week's delay refused to gain information on the subject. It was his opinion these arguments had weight, but perhaps, his opinion might not have much weight with the committee.

But, setting aside this principle of apportioning the debt, taking it for granted, that New-York consented to the whole, still, he said, there were principles even in common law, under an award, which this business had been likened to, that would enable them to attain relief under their complaints. It was impossible, time had not been allowed them to do it, to bring forward vouchers, otherwise they should have proved that such overcharges had been made by other states, as would have convinced that House of the propriety of setting aside this settlement; but not having these vouchers, he would say no more on this head.

The rules of settlement being changed without their consent, being, in their opinion, unjust, if it was in vain that he appealed to the justice and equity of the house he would appeal to the expediency of the present measure. The debt, he said, might be just. He would not be understood as saying, that the state of New-York considered the debt as unjust, but he thought she did. Thinking it unjust, the probability was, she would refuse to pay it, and produce her vouchers to the world, to shew that she ought not to pay it. In what situation would the United States then be?

The state of New-York was not to be looked upon as an individual, it was a sovereign independent state of the Union, persuaded of the injustice of the present claim, she would refuse to pay it. Already, said he, you would have taken one step, you have said you would be paid. They had been told, he said, by the gentleman from South-Carolina (Mr. W. Smith) of the advantages which would arise to the Union by the payment of this debt, by the state of New-York. He told them of the Navy, the Forts, &c. it would build. Indeed he put him in mind of the exploits of Don Quixote; for though he had not built himself wind-mills, he had erected himself many beautiful castles in the air, which, he fancied, would have their proper effect upon the house.

He hoped the reasons he adduced, if they had not the effect to reject the proposition, would at least shew that the state of New-York had ground to be dissatisfied with the proceeding.

Mr. Baldwin went over many of the arguments of the last speaker, and endeavoured to prove them unfounded. He also justified the state of Georgia's being a creditor state, which he said was owing to its debt having been assumed at 300,000, instead of 700,000 dollars.

Mr. Potter also noticed the arguments which had fallen from the gentleman from New-York, insisting upon their untenableness of the objections, and of the justice of the claim.

The question was put and carried by a considerable majority, there being 33 members in favor of it. The committee then rose, and on motion being made for the house to take up the business,

Mr. Christie hoped the house would adjourn, or had no doubt the gentlemen from New-York meant to give them a few more long speeches on the occasion, and he did not wish then, to stay to hear them. Adjourned.

DOCUMENTS

Which accompanied the message of the President of the United States to both Houses of Congress, January 19, 1797.

Letter to Mr. Pinckney, Minister Plenipotentiary of the United States to the French Republic. [Continued from Saturday's Gazette.]

With these dispositions, the empress of Russia in February 1780, made public the principles on which she would maintain the commerce of her subjects. It is necessary here to recite only two of them. 1st. That all the effects belonging to subjects of the nations at war should be free on board neutral vessels; contraband goods excepted. 2d. That the articles of contraband, should be regulated by the 10th and 11th articles of her treaty of commerce with Great-Britain, extending the regulations of those articles to all the belligerent powers.

To enforce the observance of these principles, she gave orders for equipping a considerable part of her marine.

In July of the same year, Denmark acceded to the principles of the armed neutrality, and entered into a convention with Russia, for maintaining them, assuming for her rule in determining what articles should be deemed contraband, her treaty of commerce with Great-Britain, concluded the 11th of July, 1670. In the third article of this treaty, the description of contraband goods is in general terms: "Any provisions of war, as soldiers, arms, machines, cannon, ships, or other things of necessary use in war." But by a convention concluded at London on the 4th of July 1780, between Great-Britain and Denmark, "to explain the treaty of commerce of 1670 between the two powers," the articles deemed contraband are particularly enumerated, and among them we see "timber for ship-building, tar, resin, copper in sheets, sails, hemp and cordage, and generally whatever serves directly for the equipment of a vessel, unwrought iron and fir-planks excepted." It is remarkable that these are the very articles admitted as contraband in the 18th article of our treaty of commerce with Great-Britain, and for which admission Mr. Adet declares, "All the commercial relations between France and the United States are entirely broken."

But it is further to be noticed that this convention between Russia and Denmark, concluded in the midst of the American war, for maintaining the principles of the armed neutrality, and to which other European powers acceded, is explicitly declared, in the 9th article, to have been concluded and agreed on for the time that war should last; though it was to serve as a basis to future engagements, which circumstances might render ne-

* Hist. armed neutrality, page 77.

† Marten's Treaties, volume 2, page 103.