NEW THEATRE.

BY DESIRE.

WEDNESDAY EVENING, April 6,
Will be presented,
(For the last time this Season) a celebrated *COMEDY*,
(written by the author of the Dramatist) called

The RAGE!

[*As performing at Covent Garden Theatre with the greatest applause*]

Gingham,	Mr. *Wignell*,
Darnley,	Mr. *Moreton*,
Sir George Gauntlet,	Mr. *Green*,
Hon. Mr. Savage,	Mr. *Harwood*,
Sir Paul Perpetual,	Mr. *Bates*,
Flush,	Mr. *Francis*,
Ready,	Mr. *Warrell*,
Waiter,	Mr. *Darley*, jun.
Richard,	Mr. *Blissett*,
Thomas,	Mr. *Mitchell*,
William,	Mr. *Warrel*, jun.
Groom,	Master *Warrell*.
Lady Sarah Savage,	Mrs. *Shaw*,
Clara Sedley,	Miss *Willems*,
Mrs. Darnley,	Mrs. *Whitlock*.

End of the Play,
A Serious Pantomimical Ballet, (under the direction of Mr. Francis) called

Shipwreck'd Mariners Preserved;

OR,

LA BONNE PETITE FILLE.

Capt. Hatchway,	Mons. *Lege*,
Jack Ratling,	Mr. *Blissett*,
Gerald,	Mr. *Warrell*,
Ramirez,	Sig. *Doctor*,
Banditti,	Messrs. *Warrell*, jun. *Morgan*, *Mitchell*, *Beetee*, &c.
Sailors,	Messrs. *Darley*, jun. *Solomon*, &c.
Rosalie,	Miss *Milbourne*,
Jaqualina,	(La bonne petite Fille) Miss *Solomon*,
Leonarda,	Mr. *Francis*.

The Overture and Musie composed by R. Taylor.

To which will be added,
An Exhibition of Scenery and Feats of Activity,
CALLED

T'other Side of the Gutter.

With a variety of new performances, by Signior
JOSEPH DOCTOR.
In the course of which he will repeat some of the most approved Feats in the last Exhibition, which were received with unbounded applause.

☞ The Public are respectfully informed, that the Doors of the Theatre will open at a quarter after FIVE o'clock, and the Curtain rise precisely at a quarter after SIX—until further notice.

BOX, One Dollar—PIT, Three-Fourths of a Dollar—and GALLERY, Half a Dollar.

TICKETS to be had at H. and P. RICE's Book-Store. No. 50, Market-Street; and at the Office adjoining the Thettre.

Places for the Boxes to be taken of Mr. WELLS, at the Front of the Theatre.

No money or tickets to be returned; nor any person, on any account whatsoever, admitted behind the scenes.

Ladies and Gentlemen are requested to send their servants to keep places a quarter before five o'clock, and order them as soon as the company is seated, to withdraw; as they cannot, on any account, be permitted to remain.

VIVAT RESPUBLICA.

For SALE,

THE SHIP

CONCORD,

Capt. THOMPSON,

THE Concord is upwards of 300 tons, about three years old, live oak and cedar, coppered—fit to proceed on a voyage to India, or elsewhere—is in the best order, could sail directly. For terms apply to

PETER BLIGHT.

April 6, 1796. §2w.

Canal Lottery Office,

Near the Bank of the United States.

Philadelphia, 5th *April*, 1796.

THE Public are informed, that Tickets are Thirty-one Dollars each, and will continue to rise a dollar at least every other day: As the Lottery is near five-sixths finished every day's drawing must greatly enhance the value of Tickets on account of the five stationary ones of *One Hundred Thousand Dollars*, besides the 30,000 dollar, and other considerable prizes still in the Wheel.

Wm. Blackburn, Agent.

STATE of the WHEEL:

1	prize of	30,000	- -	30,000
5	do.	20,000	- -	100,000
2	do.	2,500	- -	5,000
4	do.	1,000	- -	4,000
8	do.	500	- -	4,000
16	do.	100	- -	16,00

With a proportionate number of 12 dollar prizes.

A Check-book kept at the Office for examination and registering. §

CONCERT

OF VOCAL & INSTRUMENTAL MUSIC.

R. TAYLOR,

RESPECTFULLY informs his Friends, and the Public, his benfit Concert will be on Thursday, the 21st of the present month, April, at Mr. O'ELLER's Hotel.

A Band of the most eminent Instrumental Performers will be engaged.

The Vocal Part by Miss HUNTLEY, and R. TAYLOR.

Particulars will be made known in due time.

April 4 t,th&s*.

Pennsylvania Hospital.

THE *Election* will be held at the *Hospital* pursuant to law, at 3 o'clock in the afternoon on the second day of the fifth month next, being the second day of the week, at which time the *Contributors* are desired to attend to choose out of their number *Twelve Managers and a Treasurer* to the said Institution for the ensuing year.

By order of a Board of Managers,
SAMUEL COATES, *Clerk.*

4th mo. 5th, 1796. §

To the Public.

AT MR. O'ELLER's HOTEL.

A French Miniature Painter respectfully offers his services to the Public, and hopes that the moderation of his terms, the very short time of his sittings, and the rate of his abilities, will induce his visitors to become his patrons. Feb. 20. §

This Day is Published and Sold
AT BENJAMIN DAVIES' *BOOK STORE*,
No. 68, High-street,

The Political Censor;

OR, *MONTHLY REVIEW*
of the most interesting politicial occurrences relative to
The United States,
For March 1796.
By PETER PORCUPINE.

*** This work will be continued monthly, and the future numbers will be published on the last day of every month.

April 5. 3aw2w.

CONGRESS.

HOUSE OF REPRESENTATIVES.

Monday, March 15.

Debate on Mr. Livingston's resolution continued.

Mr. Page spoke as follows:

I confess, sir, that I had wished that this House, instead of asking the President for information respecting the negociation and ratification of the treaty, at this late day of its session, had given him as soon as possible after its meeting, fully their opinions and that of their constituents respecting the treaty itself. But, as time has been afforded for deliberation, and the House has waited most patiently and respectfully till the President could "*place* the subject before them," according to his promise in his address to Congress, I think they have shewn a spirit of moderation which deserves credit.—The friends of the treaty cannot complain that it has been hastily and rudely attacked; and should not object to the request which is proposed to be made to the President, to furnish a statement of facts, which, from what has been said elsewhere, may be supposed sufficient to silence the most clamorous opposers of the treaty. I have been astonished, therefore, to find that several members have most strenuously opposed the application to the President as an insult to him; as useless and unconstitutional, unless intended as the foundation of an impeachment of him, of his envoy, or of the 20 Senators, and lastly as founded on a mistaken supposition, that the treaty is unconstitutional. In reply, sir, to these objections, I remark, that the idea of its being an insult to the President must be founded on a mistaken opinion of the constitutional powers of the President, and of the House of Representatives; and of the relation the President and Representatives have to each other, under the constitution of the United States, for unhappily the ideas which some members have adopted respecting the authority of our executive are derived from a recollection of what was the executive authority in the government under which we once lived, and of what they have read in books written to support that government. But there cannot be a greater error than to adopt these ideas; for the executive authority of the United States, flowing from the people; the President, or person invested with that authority, elected by them, at short stated periods; allowed only a limited negative on the laws of Congress, for which negative too he is to give reasons, which if not satisfactory to one third of both Houses, are to be valid without his assent; restrained from creating offices, giving salaries, or making war, and bound to give account of the state of the Union to Congress, and moreover impeachable by the House of Representatives, and triable by the Senate, cannot be compared to one of those monarchs who hold their kingdoms and subjects by hereditary right, to whom all property and power originally are supposed to belong, from whom all honor and authority flow; who can declare war and make peace, and to sanction whose acts of sovereignty, it has been thought prudent to affirm that they can do no wrong. I say, sir, that there can be no resemblance between such an awe-commanding being, and our fellow-citizen the President of the United States; and that it could be no insult to him, to ask him for information respecting an important transaction in which his constituents and this House are deeply interested; for such requests are made every day to the British King. If the constitution requires that the President shall give an account of the state of the Union to Congress unasked, it should not be said, that it is unconstitutional for this House to ask for information, especially as it is acknowledged by the very objection itself, that such information may be *demanded*, if it be intended as the foundation of an impeachment; and if it is confessed that it may be useful in case of an impeachment, it must be a contradiction to say that it is useless to call for it; and especially as independent of an intention to make this use of it, we have been told that it may silence clamours against the treaty. The application therefore to the President, as proposed in the resolution, is neither an insult to him, nor useless nor unconstitutional; but on the contrary is sufficiently decent, may be useful, and is perfectly within the spirit, and I may say, the letter of the constitution; should it be found necessary to apply it to an impeachment. But we have been told that the treaty being constitutional, and the treaty making power out of the reach of this House, we have nothing to do with any information respecting the treaty, and that the President having issued his proclamation declaring the treaty ratified, it is now the supreme law of the land, and it is rebellion to oppose it. As to the constitutionality of the treaty, I did think that when that subject shall be brought before the committee of the whole on the state of the Union, it would be the only proper time to examine it, but as it has been forced upon the present commiteee, I will take the liberty which has been used by others, and shew what I think at present respecting it.

I think that the treaty is constitutional as far as it relates to the powers of the contracting parties to make treaties; and is constitutional and valid also, as far as it relates to that part of it, which gives it the name of a treaty of Amity, and which might be in a separate and distinct treaty by itself. For the President, by and with the advice and consent of two thirds of the Senate present has an undoubted authority under the express words in the first article of the constitution, to make treaties; and I have no doubt that the treaties which were in the view of the framers of that article must have been principally treaties of peace, of amity, of neutrality, or of alliance. This is the more probable, as the first and principal treaties in which nations were concerned, were treaties of peace, or treaties to secure the blessings of peace; and it is certain that the treaty of peace with Great Britain was the very treaty which gave rise to the declaration of the constitution, that all treaties made and to be made by the authority of United States shall be the supreme law of the land; for the treaty of peace with Great Britain was said to be in a state of inexecution on account of an obstruction thrown in the way by the laws of certain States. The article, therefore, was intended to remove all obstacles which had arisen or might arise from state Legislatures, and might, I will here remark, as easily have been extended to remove all obstructions from the general Legislature by adding to the words "any constitution or law of the states;" these words, or the constitution or laws of the U. States notwithstanding. The power to make treaties of commerce and navigation, I humbly conceive, could scarcely be within the view and design of the convention, at least not as a primary object, when they formed the articles respecting treaties; because they knew, that the extent, situation, populations, and productions of the United States were such as would command them a sufficient share of the commerce of the world without the aid of commercial treaties. They knew that almost all Europe stood in need of their productions, and that Great Britain and her islands could scarcely exist without them; they knew more, they knew this sir, that the almost universal belief of their constituents, that giving a power to Congress to regulate commerce, would answer every purpose of commercial treaties, gave existence to the very powers under which they were acting at the moment they framed that article.* This mode of regulating commerce was favoured by the opinion of the people, who celebrated the adoption of the constitution with so much exultation and expensive parade in the great commercial cities of the United States. They had no doubt that the new Congress would use the power with which it was invested, so as to oblige G. Britain to open her ports to them in the W. Indies, and to put their trade with them upon a more equitable and stable footing. Indeed, sir, the people thought, as associations not to import certain articles from Great Britain, entered into by them when they were poor colonists with halters about their necks, repealed the stamp act, that acts of Congress regulating commerce, so as to retaliate on Great Britain, would at least prevent the enacting of the law by which the British king was authorized to regulate the commerce of the United States with Britain and her Islands.

I acknowledge, sir, that whenever a treaty is to be made, the President and Senate are the proper agents to make it. I think it an excellence in our constitution that the President and Senate, though not allowed to declare war, have authority to put a stop to its horrors. This is a wise provision against the injury which the pride and ambition of the larger states might do to the smaller, by continuing a war. But I cannot conceive that when Congress is authorized to make all laws necessary and proper to carry into effect all the powers granted by the constitution, the treaty making power as well as others, and are to provide for the general welfare, which is not confided to the President and Senate, nor can be entrusted to them alone by the people upon any principle which has ever had weight in the formation of a republican government, I cannot conceive, I say, that as this is the case, and the House of Representatives is composed of members proportioned to a certain ratio of the number of persons to be represented, and has the sole right to originate money bills, how it can possibly be supposed that the President and Senate, without their concurrence, can make regulations of commerce, which may be injurious to the general welfare, ruinous to the commerce of certain and even the largest states; and by a treaty too, which may, moreover, deprive that house, which by the supposition of those who have defended the treaty is at least a committee of ways and means (and indeed nothing more) of the resources of revenue to which, by the constitution, they might have recourse.

Sir, the supposition that the President and Senate can make such a treaty as the one before us, under the authority of the constitution, is to my mind the most inconsistent and extravagant that I ever heard or read of; if true, the most positive proof of the absurdity of the constitution, and of the propriety and necessity of its immediate alteration. But, sir, I think the constitution is capable of a construction which will reconcile it not only to reason, but to true republican principles. The President and Senate can guard the smaller states against the encroachments of the larger—they can moderate the mistaken zeal of the popular branch of the legislature—they can prevent, as they have done, or as they supposed they had done, a rash vote of this house from taking effect. They may negociate treaties of amity and neutrality and of commerce and navigation, with the previous or subsequent consent of Congress—but surely, sir, it does not follow, that they can take away from this house, and from a future Congress, a right to express their will and the will of the United States in a law—nor that they can instead of securing the rights of neutrality with all the belligerent powers sacrifice those rights in favor of those powers, and provoke another to make war on the United States. These are powers which they cannot possess, and indeed which the constitution neither gives nor can give, because it would be destructive of itself and of its original intention. But it is said the words are general—it is true they are so—but, it has been well replied, that although they are general, there are other expressions which giving specific powers to the house of representatives, to Congress, to the President and to the judiciary, must upon the well known principles of construction be looked upon as a reservation and exception out of the general grant of power to make treaties given to the President and Senate.

No rule of construction is more universally known and established in explaining any Constitution, law contract or treaty, than this, that the whole must be taken together, and whatever seeming contradiction may appear in different parts, those parts must be construed so, if possible, as to be consistent with each other, and with the whole; and by no means so as to contradict the general tenor and design of the whole instrument; for it is absurd to suppose that contradictions or even unmeaning provisions could be designedly inserted in such instruments of writing. The constitution has defined the powers of the different branches of government—to the executive it has given a power to make treaties, to pardon in certain cases and to execute the laws—to Congress a right to lay and collect taxes, duties, impost, and excise, to provide for the common defence and general welfare of the United States, to regulate commerce with foreign nations, to establish one uniform rule of naturalization, throughout the states; to constitute tribunals inferior to the supreme court; to define and punish piracies and felonies committed on the high seas and offences against the law of nations; to declare war, grant letters of marque and reprisal; to establish offices and salaries of officers and to appropriate money, &c. and to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this constitution in the government of the United States or in any department thereof. To the judiciary it gives a right to judge of all cases in law or equity arising under the constitution, the laws of the United States and treaties made or which shall be made under their authority, &c. These powers are perfectly distinct from each other and may be all exercised without any clashing or interference. For the President and Senate may make treaties of peace, when Congress is not in session, or if in session, should Congress be inattentive to the distresses of war, they may make treaties of neutrality and alliance, but not such treaties as shall abridge the power or interfere with the constitutional jurisdiction of Congress or the judiciary.

[Debate to be continued.]

* Friday, April 30, 1784.

Congress assembled, present eleven States.—Congress took into consideration the report of a committee, consisting of Messrs. Gerry, Read, Williamson, Chase, and Jefferson, to whom were referred sundry letters and papers relative to commercial matters, and the following paragraph being under debate: That it be recommended to the Legislatures of the several States, to vest the United States in Congress assembled, for the term of fifteen years, with a power to prohibit any goods, wares, or merchandise from being imported into any of the States, except in vessels belonging to, and navigated by citizens of the United States, or the subjects of foreign powers with whom the United States may have Treaties of Commerce.

A motion was made by Mr. Howell, seconded by Mr. Ellery, to postpone the consideration thereof, in order to take up the following: That it be recommended to the Legislatures of the several States, to restrain by impost or prohibition, any goods, wares, or merchandise from being imported into them respectively, except in vessels belonging to, and navigated by citizens of the United States, or the subjects of foreign powers with whom the United States may have Treaties of commerce, or the subjects of such foreign powers as may admit of a reciprocity in their trade with the citizens of these States. That it be recommended to the Legislatures of the several States, to prohibit the subjects of any foreign state, kingdom or empire, from importing into them respectively, any goods, wares, or merchandise, unless such as are the produce or manufacture of that state, kindom, or empire, whose subjects they are. And on the question to postpone for the purpose abovementioned, the yeas and nays being required by Mr. Ellery, it passed in the negative.

The trust reposed in Congress, renders it their duty to be attentive to the conduct of foreign nations, and to prevent or restrain as far as may be, all such proceedings as might prove injurious to the United States. The situation of commerce at this time claims the attention of the several States, and few objects of greater importance can present themselves to their notice. The fortune of every citizen is interested in the success thereof; for it is the constant source of wealth, and incentive to industry; and the value of our produce and our land must ever rise or fall in proportion to the prosperous or adverse state of trade.

Already has Great-Britain adopted regulations destructive of our commerce with her West-India islands. There was reason to expect that measures so unequal and so little calculated to promote mercantile intercourse, would not be persevered in by an enlightened nation. But these measures are growing into system. It would be the duty of Congress, as it is their wish, to meet the attempts of Great-Britain with similar restrictions on her commerce; but their powers on this head are not explicit, and the propositions made by the several States, render it necessary to take the general sense of the Union on this subject. Unless the United States in Congress assembled shall be vested with powers competent to the protection of commerce, they can never command reciprocal advantages in trade; and without these our foreign commerce must decline, and eventually be annihilated. Hence it is necessary that the States should be explicit, and fix on some effectual mode by which foreign commerce, not founded on principles of equality, may be restrained. That the United States may be enabled to secure such terms, they have RESOLVED, That it be, and it hereby is recommended to the Legislatures of the several States to vest the United States in Congress assembled, for the term of fifteen years, with power to prohibit any goods, wares, or merchandise from being imported into, or exported from any of the States, in vessels belonging to, or navigated by the subjects of any power with whom these States shall not have formed Treaties of commerce. Resolved, That it be, and it is hereby recommended to the Legislatures of the several States, to vest the United States in Congress assembled for the term of fifteen years, with the power of prohibiting the subjects of any foreign state, kingdom, or empire, unless authorised by Treaty, from importing into the United States any goods, wares, or merchandise, which are not the produce or manufacture of the dominions of the sovereign whose subjects they are.

Foreign Intelligence.

LONDON, January 26.

Extract of a letter from Dublin, January 21.

"It appears that a female cook, in the family of the late Mr. Harman, who was murdered in the county of Longford, had projected the robbery of the house, the attempt of which brought about the dreadful catastrophe: it also appears that the identical villain who fired the shot which gave Mr. Harman his mortal wound was a carpenter in the neighbourhood, who afterwards, with the greatest composure, on being called in by the family, measured the dead body and made the coffin. We might suppose that the most hardened of human kind could not command his features on so trying an occasion; yet this wretch was so good an actor as to escape suspicion for the time."

It is expected that Whitebread's brew house will be the first to start drays with six wheels. They are to be three feet high, and the dray is to have double shafts. With these improvements, four horses are expected to draw double the quantity of any other carriage of the kind in England.

The late Professor Anderson, of Glasgow, has bequeathed his valuable apparatus and extensive library, with the greater part of his effects, for the purpose of founding a Lectureship of Natural Philosophy at Glasgow.

It will give pleasure to every loyal man, when he learns, that out of more than an hundred and fifty boys just rising into life, the only companion of Grose, who hoisted the tri-coloured flag on the Tower, was Hayward, the son of a man who had