

PROPOSALS

By J. M. SNOWDEN & W. M'CORKLE,

For Printing by Subscription,

THE TRAVELS OF ANACHARSIS the Younger, in Greece, during the middle of the Fourth Century before the Christian Era.

BY THE **ABBE BARTHELEMY**,

Keeper of the Medals in the Cabinet of the King of France, and Member of the Royal Academy of Inscriptions and Belles Lettres.

TRANSLATED FROM THE FRENCH.

IN FIVE VOLUMES:

The Fifth contains Maps, Plans, Views, & Coins illustrative of the Geography & Antiquities of Ancient Greece.

CONDITIONS.

- I. This Work will be published in 32 weekly numbers, at One Quarter of a Dollar each—payable on delivery.
- II. It will be printed on a good type and paper, in a handsome octavo size; and each number will contain 80 pages of letter-press.
- III. In the course of the work 31 plates will be delivered, together with Critical Observations on the Maps of ancient Greece, compiled for these Travels, by M. Barthelemy; the whole of which are intended to form the Fifth Volume.
- IV. Should the work exceed 32 numbers, the remainder will be given GRATIS.
- V. Those who procure twelve Subscribers and become accountable for the money shall receive one copy GRATIS.
- VI. The price of the Work, when finished, will be enhanced to non-subscribers.

To give a proper idea of the Plan of this Work, the following is extracted from the Advertisement of the Author:

"I imagine a Scythian, named ANACHARSIS, to arrive in Greece, some years before the birth of Alexander; and that from Athens, the usual place of his residence, he makes several excursions into the neighbouring provinces; every where observing the manners and customs of the inhabitants, being present at their festivals, and studying the nature of their governments; sometimes dedicating his leisure to enquiries relative to the progress of the human mind, and sometimes conversing with the great men who flourished at that time; with Epaminondas, Phocion, Xenophon, Plato, Aristotle, Demosthenes, &c. As soon as he has seen Greece enslaved by Philip, the father of Alexander, he returns into Scythia, where he puts in order an account of his travels; and to prevent any interruption in his narrative, relates in an introduction the memorable events which had passed in Greece before he left Scythia."

"I have chosen to write a narrative of Travels rather than a history, because in such a narrative all is scenery and action; and because circumstantial details may be entered into which are not permitted to the historian."

LIST of the PLATES which are annexed to this WORK.

- 1. Greece and the Grecian Islands.
- 2. Plan of the Pass of Thermopylae.
- 3. Plan of the Battle of Salamis.
- 4. Effigy on the Battle of Plataea.
- 5. Chart of the Palus Maeotis and Pontus Euxinus.
- 6. The Borhorus of Thrace.
- 7. The Hellespont.
- 8. Plan of the Environs of Athens.
- 9. Attica, Megaris, and Part of the Island of Euboea.
- 10. Plan of the Academy and its Environs.
- 11. Plan of a Grecian Palæstra, after Vitruvius.
- 12. Plan of Athens.
- 13. Plan and Elevation of the Propylæa.
- 14. Plan of the Temple of Theseus, Elevation and View of the Parthenon.
- 15. Ploceis and Doris.
- 16. Effigy on the Environs of Delphi and View of Parnassus.
- 17. Plan of a Grecian House after Vitruvius.
- 18. Beotia.
- 19. Theffaly.
- 20. Corinthia, Sicyonia, Phliasia, and Achaia.
- 21. Elis and Triphylia.
- 22. Effigy on the Topography of Olympia.
- 23. Messenia.
- 24. Laconia and the Island of Cythera.
- 25. Effigy on the Topography of Sparta & its Environs.
- 26. Arcadia.
- 27. Argolis, Epidauria, Træzenia, Hermionia, the Isle of Ægina and Cynuria.
- 28. View of Plato on the Promontory of Sunium, discoursing to his Disciples.
- 29. Ancient Greek Theatre.
- 30. The Cyclades.
- 31. Coins from the Cabinet of the King of France.

It is proposed to give an elegant edition of this valuable work: The greatest care will be taken to render it correctly executed; and the Plates shall be engraved by the first American artists. As the work now presented forms a pleasing and instructive view of the antiquities, manners, customs, religion, laws, arts and literature of Greece, during the most interesting period of its history, the publishers make no doubt but it will meet the approbation of an enlightened public.

Subscriptions are received at the Office of the Authors; the Publishers, No. 47, Fourth-street, and 144, South Front-street; and by the principal Booksellers throughout the United States. April 7. t.h. & s.t.

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 each 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.

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1 prize of 30,000	-	-	30,000
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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.

CONGRESS.

HOUSE OF REPRESENTATIVES.

Monday, March 15.

Debate on Mr. Livingston's resolution continued.

Mr. PAGE'S Speech—concluded.

The judges may decide on cases arising under treaties made according to the constitution, & Congress may and ought to pass laws to carry into effect all such treaties, provided they are not inconsistent with the general welfare, for which it is their constitutional duty to provide, and which is not confined to the President and Senate by the constitution, 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. If it be said, that this construction of our constitution will render it difficult to form and ratify treaties, it may be answered that "there may be difficulties but there will be no absurdities,"—and when once those difficulties are removed, there will be no danger of disunion and infraction of treaties.

But we are told, sir, that the power given to Congress by the Constitution to regulate commerce, cannot extend to that regulation which depends upon the will of a foreign nation or government, and which can only be regulated by compact, or by the treaty-making or pactious powers. Granting that this assertion be true, which, however may be denied, as the general belief which I have alluded to, and on which the existence of the present government was founded, seemed to contradict it—for it was almost universally believed, that an act of Congress regulating the commerce of the United States with Great-Britain, as had been proposed to the former Congress, or Congress under the confederation, or as proposed to this House 31 January, 1794, and well known by the name of Madison's propositions, or as proposed by Mr. Claiborne, 7th April, 1794, would have brought about a more advantageous commercial intercourse with Great-Britain than any direct negotiation with the British minister—it was thought highly probable that the Parliament of Great-Britain would (if any of those propositions had been adopted by Congress) have refused to have renewed their act, by which the trade with these United States (as if they were more degraded than Colonies) was regulated by a King's proclamation—I say granting however, that assertion to be true, how does it prove, or what other assertion can prove, that Congress has not a right under the express words of the Constitution, which declares, that it shall have power to regulate commerce with foreign nations, to be a party to that compact, or to have some share either previously or subsequently in the treaty-making business, when it regulates the commerce of the U. S. with foreign nations?

I may agree that a treaty is necessary to establish a commercial intercourse between two nations to their mutual advantage and satisfaction, but I must affirm that as that treaty would be a commercial regulation, and as Congress is expressly empowered by the constitution to regulate commerce whenever such treaty shall be made between the United States and any other nation, Congress must either direct that the negotiation be commenced upon conditions approved, or sanction the ratification of such treaty by some act, shewing that the regulation of commerce by the treaty was made by the authority of Congress, in conformity to the constitution.

Besides, sir, if the President and Senate can regulate the commerce of the United States with one nation, they can with all nations, and if they can with all, what nation can there be with whom Congress can regulate commerce? This argument, therefore, must fall to the ground. We are told, however, that the treaty-making power, from its nature is competent to all the objects at least of the treaty under consideration, and is not to be controlled or checked by this House. Let me examine this assertion. If this be true, sir, we find that although the British king, from whose tyranny we revolted, cannot force upon his subjects, against the will of their representatives, a treaty, which it is acknowledged too, he has a right to make, the President of the United States can by his Proclamation force upon the people who are his constituents, a treaty, which their direct representatives wish to suspend, alter, or annul—Can this possibly be a true construction of the treaty-making power? Surely it can not. If it be true, then, can the President repeal, as he has by the treaty, the laws of Congress, although by the constitution he cannot negative them. He can oblige Congress to levy taxes; can withdraw impost and tonnage from their reach; prohibit the exportation of sundry articles, the produce of the United States, although the constitution forbids the Senate and Representatives concurring to lay the smallest duty on the exportation of any article; he can create offices and annex salaries thereto; destroy the rights of this House; provoke war; in short, he can do any thing; but this we are sworn to deny. The absurdity of that construction must be evident, and the recollection of our oaths to support the constitution, of which we have been reminded must force us to revolt at the thoughts of adopting such a monstrous construction of the constitution. We are reminded also of the President's proclamation. I will attend to it. I look upon it a proper notification of the ratification of the treaty of amity with Great-Britain, but it can have no effect on the treaty of commerce and navigation 'till sanctioned by the votes of congress. The evacuation of the posts on our frontiers held by the British, if intended in consequence of the treaty of amity ought to take place, or if in conformity to the treaty of peace; but, if intended as a compliance with conditions annexed to the treaty of commerce and navigation, good faith requires that they ought not to be evacuated until a final adjustment of the differences which may arise in the course of the discussion of the merits of that treaty, and this with me is one reason why I wish for information from the President respecting the treaty. I confess too, sir, that I wish for a full and free conference with the Senate on the important subject of the treaty.

I wish also to know what was the imperious necessity which induced a negotiation and ratification of such a treaty as the one before us, which has in it articles which appear so pernicious, as from the authority of writers on the law of nations, and the confession of a member yesterday, might be declared null and void, and which (treaty) is defective of others which our constituents hoped and expected would form an important part of the treaty.

I will now reply to a few arguments which were thought weighty, at least they were applied so earnestly to the representatives from Virginia, as if they were what are called arguments ad hominem. We were told sir, that Virginia had put the same construction which they now put; for the assembly of that state had proposed certain amendments but these amendments it should be remembered were intended to remove the evils which the construction those gentlemen put on the constitution if adopted must produce: and would be unnecessary if that construction for which the Virginian representatives contended should be adopted by Congress. The arguments of certain members of the general and State Convention were also retorted on them: but, Sir, the gentleman was too much agitated to do strict justice in his recitals, for I think he did not recite enough of some passages from the debates which he read; but the opinions of those gentlemen as stated, only prove, that the constitution has ambiguities, but can never prove that it becomes this house to explain them so as to put it into the power of the President and Senate, as it was well remarked by the member from Pennsylvania, to legislate by assistance of any foreign power without the aid of the house of representatives, and reduce the representatives to a mere committee of ways and means. We were asked sir, with great vehemence by a member from Massachusetts why there had been no objection to any treaty which had been made 'till now. He enumerated I think several nations with whom treaties had been made, and demanded why we objected against the treaty with Great Britain alone? I reply to this, Sir, that objections were made by Congress even to the treaty with France, on which their punctual ratification depended, and two articles were altered; that complaints have been made against several Indian treaties; that however, if no objections had ever been made to any before, it might be said to be high time for us to make a stand to examine into, and check a little the expensive business of treaty-making; and it may be asked in reply to the gentleman, what other treaty except that with Great Britain ever repealed acts of Congress; prohibited the exportation of the valuable commodities of the states, and at the same time obliged us to abandon our claim to the rights of neutrality, and to acquiesce in an avowed attempt to destroy our friends and only life allies? The gentleman will pardon me when I say he should not have asked such questions.

I will not on a question which involves perhaps the fate of the United States as well as the political existence of this house, say any thing to provoke warmth. I will refrain therefore from saying any thing respecting the attempts which have been made both within and without the doors of this house, to deter members from opposing the treaty, and will not now repeat the harsh expressions which have escaped from some members in the course of debate, but contend for, and will use the right of freedom of speech, reminding the committee however, that freedom of debate should always be regulated by a sense of propriety and decency, and that a difference of opinion on questions which must be decided by voting, cannot require passionate debate.

From what I have said, I think I have proved, that I may vote for the resolution before the committee not only without insulting the President, but as paying all the respect to him which can be due to the President from an independent branch of the legislature, the direct representatives of his constituents; that I may vote for it, as a constitutional right of this house, when it may wish for information from the President respecting the state of the union; that I may vote for it, not only as useful, but as necessary to know the true meaning and intention of certain articles in the treaty, whether it may be proper to direct any impeachment or not.—I think I have also proved that Congress has a constitutional right to participate in the ratification of a treaty of commerce if such treaty can be called a regulation of commerce, and I think it has been amply proved by other members that whenever money is necessary to carry any treaty into effect, this house has a constitutional authority to deliberate on the propriety of granting it; to call for information respecting that propriety, and to withhold a grant of money if it should be found unnecessary or improper; and this has been demonstrated not only from express words in the constitution, but from the nature of the case, and the practice of France and England, nations which have been supposed far less independent of their executive than the United States; and it has also been evidently proved by stating the mischiefs and absurdities which must result from a contrary supposition.—For these reasons and others which I have not time to mention, I shall vote for the resolution before the committee.

[Debate to be continued.]

* VATEL, book 2d, chap. xxii. p. 298.—A Treaty is valid, if there be no fault in the manner in which it was concluded, and for this purpose nothing more can be required than a sufficient power in the contracting parties, and their mutual consent sufficiently declared.

A Treaty pernicious to the State is null, and not obligatory.

No conductor of the nation having power to make such Treaties.

The nation itself cannot enter into engagements contrary to its indispensable obligations. In the year 1566, the States-General of the kingdom of France, assembled at Tours, engaged LOUIS XII. to break the Treaty he had concluded with the Emperor MAXIMILIAN, and the Arch-Duke PHILIP his son; because that Treaty was pernicious to the kingdom. They found that neither the Treaty nor the oath that had accompanied it, could oblige the king to alienate the dominions of the crown. For the same reason, a want of power, a Treaty is absolutely null.

Tuesday, April 5.

The bill providing for the sale of the lands of the United States North West of the Ohio, and South of Kentucky river, was further considered in Committee of the whole, and finally passed to be engrossed for a third reading to-morrow.

Wednesday, April 6.

The engrossed bill providing for the sale of the United States' lands in the Territory North West of the River Ohio and South of Kentucky river, was read the third time, the blanks filled up and the bill passed.

A message was received from the Senate by Mr. Otis their Secretary, informing the house that they have passed a bill to regulate the compensation of clerks, in which they request the concurrence of the house. This bill was twice read and committed to the committee on the petition of Nathaniel Appleton.

A report was read from the Committee of Claims on the petition of Arthur St. Clair praying compensation for sundry horses killed in the action of the 4th November, 1791. This report contains a resolution making a general provision for indemnifying officers whose duty requires that they should be on horse back in time of action, in case their horses should be killed. This report was referred to the Committee of the whole.

A bill making provision for the payment in part of the debt due to the bank of the United States, was twice read and committed for Monday next.—Interim to be printed.

The petition of Alexander Fowler was referred to the Committee of Claims.

The petition of Dempsey Burgess was read, praying the renewal of sundry lost certificates; referred to the Committee of Claims.

Mr. Kitchell had leave of absence for one week. Mr. New reported from the Committee of enrolment that they had laid before the President for his approbation the act to authorize the building a light house on Baker's Island in Massachusetts.

The order of the day on the President's message of the 30th March, being called for, Mr. Smith of Connecticut rose and observed that he should be guilty of very great negligence of duty to his constituents if he did not oppose the motion for going into a committee of the whole on the President's message.

He said he wished the house to go into a committee of the whole on the state of the Union. It appeared to him very necessary to go into a committee of the whole on that subject, and perfectly unnecessary to take up time in discussing the message of the President. It was well known that the 1st of June was the time fixed for the British to give up the Western Posts. It was also well known that many gentlemen in that house had declared that the treaty lately concluded with Great Britain, was not obligatory on the nation, was not obligatory on that house, until it had received their sanction. If this opinion was just, he apprehended the British were not bound to give up the posts until that house had declared the treaty binding. He was one of those who believed this opinion incorrect; he believed that house had no participating power in making treaties; but there was no man who would say, they had not the physical power to break the treaty; and, after what had taken place in that house, may it not be conceived the British will refuse to give up the posts before the treaty had been acted upon by them. If this was likely to be the case, they had no time to lose. It was then the 6th of April; it would take a month to transmit the ratification to the necessary place, and there would remain only 23 or 24 days for the business to pass thro' both houses. This, it would be allowed, was a short period, and what, said he, may be the event of delaying the consideration so long, as that the British will not deliver up the posts at the time appointed? This could not be determined; but of this much he was certain, nations were judges in their own cause. As long as each nation kept exactly the line marked out, there could be no excuse for a breach in the other party; but, as soon as one or the other is guilty of a breach of contract, the consequences cannot be foreseen.

The two nations being judges in their own cause, it may be expected they will judge like parties. It was out of his power to say what might be the event; but it might involve the two nations in serious difficulties. He did not say the British would refuse to give up the posts; or, if they did that difficulties would ensue. But it was in their power to prevent the possibility of mischief, provided they went immediately into the business. And why should they not do this? Of what importance was it, to go into a committee of the whole on the message of the President? Was there included in it any proposition of great national advantage? Did they expect to get the papers by? No. They expected to enter their reasons on the Journals for calling for the papers. Let them do what they pleased, no material national advantage was connected with the question. And if there was, it was not necessary to go into the consideration now. If they wanted to enter into a negotiation with the President on the subject, or declare the sense of the constitution, they might do it the next session as well as this.

But the discussion of the message at all, he thought, would be attended with serious consequences. They had been told, on a former occasion, that the sensibility of the country had been excited by the treaty; that sensibility, he feared, had, in some degree, made its way into that house, and it was that in his opinion, which had caused the present motion. He said this, because he could not discover any benefit to be derived from the proposed discussion; he believed it would only serve to add fuel to a flame which it would be well to extinguish. He thought a business in which the public interest was concerned, should first claim their attention; and as there were very strong reasons for taking up the business relative to the state of the Union, he hoped they would negative the motion before them, and take up the other.

After a few observations from Mr. Giles in favor of going into the consideration of the President's message, Mr. Sedwick moved that the question should be taken by yeas and nays. His motive was that the responsibility for the consequences of the measure should be fixed on the proper persons.