

Ricketts's Amphitheatre.  
For the Benefit of Mrs. Spinacuta.

THIS EVENING, Saturday, April 9,  
Will be presented,  
A Grand variety of New Entertainments.  
CONSISTING OF  
Horsemanship,  
ROPE-DANCING, TUMPLING,  
Trampoline Feats,  
PANTOMIME, FIRE-WORKS, &c. &c.  
The Performance will begin with Mr. F. Ricketts sur-  
prising abilities on a single Horse.  
Mr. Sully's unparalleled  
Comic Feats on Foot and Horseback.  
Mr. Ricketts will go thro'  
THE MANUAL EXERCISE,  
Standing on a single Horse in full speed, in the charac-  
ter of an American Officer.  
Mr. Sully will, for this night, throw a Row of Flip-  
flaps across the area of the Circus, & conclude with  
A LOFTY BACK SUMMERSETT.  
Mrs. Spinacuta's Performances on Two Horses in full  
speed.

Tight-Rope Dancing,  
By Mr. Spinacuta, who will, for this night only,  
Dance with Skaits upon the Rope—and for the first  
time this Season, the surprising  
LEAP OVER THE GARTER,  
Backwards and forwards, upwards of ten feet high;  
and will likewise Play on the Violin several favorite  
Airs with Variations, without the assistance of the  
Balance-Pole.—He will put half a crown on his  
nose, throw it in the air, & catch it again in a glass  
Unparalleled TRAMPOLINE FEATS,  
By Mr. Ricketts,  
Who will take his surprising Leap over Seven Horses  
with Riders on them; also over Twenty Men's  
Heads with others on their Shoulders.  
To which will be added,  
(for the last time this Season) a NEW PANTOMIME,  
under the direction of Mr. Sully, called  
Harlequin's Olio; or,  
MIRTH'S MEDLEY.

Harlequin, Mr. Sully.  
Pantaloon, Sig. Reano.  
Lover, Mr. Macdonald.  
Dwarf, Master Schnyder.  
Genius, Master Sully.  
Clown, Mr. Spinacuta.  
Columbine, Mrs. Spinacuta.  
Magician, Witches, Millers, Servants, &c. by the rest  
of the Company.  
In the course of the Pantomime will be displayed  
Several TRICKS & MACHINERY.  
The whole to conclude with

A brilliant Fire-Work,  
Purposely prepared for the occasion by Mr. Spinacuta,  
and Mons. Ambroise.  
First Piece—Piece Perique, in six different Evolutions  
of Fire.  
Second—The Triple Column, surmounted by a Py-  
ramid.  
Third—The Blazing Sun.  
Fourth—Ombrosole en Chinoise.  
By Mons. Ambroise.  
The following Pieces by Mr. Spinacuta:  
First Piece—A Gerbe, which will be  
Grand Sultan's Plumes, in Chinese Fire-Works  
and variegated Colours.  
Second—A Grand Gallery of Brilliant Gerbs.  
The whole to conclude with  
THE CURTAIN OF VENICE,  
Forming a lively representation of Jefferine, & other  
beautiful Flowers.  
Mr. Spinacuta assures the Public, that the above  
Fire Works will be the most brilliant and pleasing ever  
displayed on the Continent.

\* \* \* Tickets to be had of Mrs. Spinacuta, at Mr.  
Wadman's, corner of Race & Front-streets, and at the  
usual places.  
\* \* \* Places for the Boxes may be taken at Mr. O'El-  
ler's Hotel.  
\* \* \* The Doors in future to be opened at SIX  
and the Entertainment to begin at SEVEN o'clock.  
\* \* \* Boxes, one dollar—Pit, half a dollar.

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 fill 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 - - - 1,600  
With a proportionate number of 12 dollar prizes.  
A Check-book kept at the Office for examination and  
registering.

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 ser-  
vices 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.

CONCERT  
OF VOCAL & INSTRUMENTAL MUSIC.  
R. TAYLOR,  
RESPECTFULLY informs his Friends, and the Public,  
his benefit 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 4th &c.

WANTED,  
Several Apprentices to the Printing-  
Business Apply at the Office of the Gazette of the  
United States, No. 119, Chestnut-street.

CONGRESS.  
HOUSE OF REPRESENTATIVES.

Monday, March 15,  
Debate on Mr. Livingston's resolution continued.

Mr. Brent said he should not in the present de-  
bate touch on the merits of the Treaty, which he  
conceived foreign to this question. On a motion to  
ask for papers with respect to the treaty, he did  
not conceive with what propriety the fitness of the  
instrument could be brought into view. It would  
be proper to contend, to have the papers proposed  
to be called for, even if it was conceded that the  
house had no controul in matters of treaty; for if  
they were bound to carry it into operation, still the  
papers would be necessary to a due understanding  
of the subject. The motion, he argued, stands up-  
on the same ground as the calls so often made for  
information to the heads of departments. But even  
if the papers are not necessary to give informa-  
tion as to the laws which it is laid must be passed,  
they are necessary on another ground. The con-  
stitution gives the house a general superintendance  
over the conduct of officers, and the power of im-  
peachment; no member denies this right, and how  
can they exercise it understandingly without infor-  
mation? Can the constitution be supposed to give  
this right of impeachment, and at the same time  
deprive the house of the means of information? This  
would be as absurd as to refer to a blind man to  
judge of shades and colours. How can the house  
decide on the ability or fidelity of the negotiator of  
the treaty, unless they have a sight of his instruc-  
tions, and of his correspondence; how can they de-  
termine on the merits or demerits of the nego-  
ciation!

The turn which the debate had taken, had given  
rise, he said, to an important constitutional ques-  
tion: he did not believe its decision of consequence  
to the decision on the present motion; but as the  
debate had taken that turn, he should pursue the  
same road in answer to the arguments of gentle-  
men. He laid this down as a sound inference from  
the provisions of the constitution on the subject of  
the treaty power; that the President and Senate  
possess the right of forming treaties, and of carrying  
on the necessary negotiations with foreign coun-  
tries; but when these contain stipulations bearing  
a relation to the specific power vested in the leg-  
islature the house had a right to take cognizance  
of it, and such a treaty could not become the supreme  
law of the land until sanctioned by the legislature.  
To shew the justness of this position, he should ex-  
amine the subject, he said, in a three fold light.—  
He should examine it by a recurrence to the words  
of the constitution; then to the opinions which pre-  
vailed as to its meaning at the time it was framed  
and adopted; and lastly he should examine what  
construction was best calculated to preserve the li-  
berties of this country.

The constitution contains two clauses in reference  
to the Treaty-making power. The first declares,  
"The President with two thirds of the Senate  
shall have the power to make Treaties." He pro-  
ceeded to enquire whether this clause gives them  
the right to make Treaty the supreme law of the  
land. To determine this it was necessary to ex-  
amine the import of the word in those countries,  
where the Treaty power had been frequently exer-  
cised, and to consult the opinions of the best civili-  
ans. The general powers of making Treaties is  
under the controul of the constitution. In despotic  
countries, where all power, legislative, judicial and  
executive is in the hands of one person, there the  
Treaty-making power is without controul, and a  
Treaty as soon as made becomes *ipso facto*, the su-  
preme law of the land: But in all limited govern-  
ments, the Treaty power is subject to the limita-  
tions in the constitution. The practice of this prin-  
ciple may be found even in the British government.  
There, though the king originates as the President  
and Senate do here, they do not become the supreme  
law of the land, respecting legislative subjects, un-  
til the co-operation of Parliament is obtained. Thus  
the power of making Treaties does not imply the  
power of making those Treaties in all cases the su-  
preme law of the land. If the executive make a  
Treaty involving none but executive powers strictly,  
then it becomes immediately the supreme law;  
but if they contain provisions, which involve the  
legislative authority, the executive can make them  
but conditionally, and they do not become supreme  
until the legislature chuse to make them so. The  
British government furnishes an example where this  
doctrine has been practised, and it is by a reference  
to the practice of despotic governments, that the  
mistaken idea is taken up, that all treaties as soon  
as made become the supreme law of the land. The  
clause in our constitution, he concluded, does not  
give authority to the President and Senate to make  
a supreme law of the land.

When this clause of the constitution is compared  
with the other parts of it, it will be found, he said,  
that the above interpretation is just; for the Treaty  
making power is delegated as a general power,  
while to Congress specific powers are granted. The  
rational and admitted rule of construction in these  
cases is, that specific power restrains general powers,  
and here then, the general Treaty power, must be  
restrained by the specific powers of Congress. He  
admitted that the executive had full power under  
the general authority vested in them by the consti-  
tution to originate Treaties and to carry on nego-  
ciations with foreign powers; but that if the pro-  
visions of a treaty so negotiated clashed with speci-  
fic powers granted, the authority exercising those  
specific powers must give it their sanction before it  
becomes the supreme law of the land.

He next turned to the second clause of the con-  
stitution respecting treaties which had been noticed  
in the debate. It says, that the constitution, laws  
and treaties shall be the supreme law of the land,  
and gentlemen contend, he remarked, that tho' the  
first clause does not make the treaties entered into  
by the executive the supreme law of the land, yet  
that this does; but its obvious and only meaning,  
when the whole of it is taken into view, is that the  
constitution, laws and treaties of the United States  
are only meant to be declared supreme to constitu-  
tions and laws of the individual States. It is ad-

mitted as a sound rule of construction, that to dis-  
cover the true meaning of any instrument it is fair  
to have recourse to the existing circumstances that  
produced it. When the constitution was formed,  
it was under a strong impression of the inconveni-  
encies experienced under the confederation; when  
great obstruction was thrown in the way of the  
Treaty power, by the States refusing to carry into  
execution those agreed to by the constitutional au-  
thority. This was the evil the framers of the con-  
stitution had in view when they inserted this clause,  
and it has no relation to the powers of the general  
government, which stand precisely in the same situ-  
ation with or without it. It does not declare that  
Treaties shall abrogate laws; but that the States  
shall not have it in their power to throw impedi-  
ments in the way of their execution.—The words  
of the constitution cannot be understood otherwise,  
than that the constitution, laws and Treaties shall  
exist together; it does not say that a Treaty shall  
repeal a law, or a law repeal a Treaty; then the  
constitution certainly contemplated that they never  
should be in opposition, for contradictory and op-  
posing laws cannot exist at the same time: If they  
exist at the same time they cannot be in opposition  
to each other. If it can be supposed that the Pre-  
sident and Senate can make a Treaty in opposition  
to a law of the legislature, and yet both the Treaty  
and the law be at the same time the supreme law  
of the land, an absurdity is supposed. But if it be  
admitted, that the house shall have a participation  
in the business of Treaties, in cases which involve  
legislative authority, then the words of the consti-  
tution, become intelligible, and both Treaties and  
laws may be at the same time the supreme law of  
the land.

He further developed this idea. The constitu-  
tion says, that the President and Senate shall make  
treaties; and that when concluded under the au-  
thority of the United States they shall be the supreme  
law of the land. This is intelligible if the controul  
of the house be admitted; for then if the President  
and Senate make a commercial Treaty in any part  
contrary to existing laws, the Congress repeals those  
laws and the Treaty then becomes the supreme law,  
and when it commences its existence there is no  
opposing law.—On this construction all existing  
laws are supreme laws; on the other, tho' all are  
declared supreme, yet all cannot be supreme when  
there is a clashing.

A treaty made by the President and Senate, as  
far as it relates to commercial concerns, is not a  
treaty made under the authority of the United  
States until it has obtained the sanction of the leg-  
islature.

Gentlemen say, that Treaties, ipso facto repeal  
anterior laws clashing with their provisions; they  
say that the constitution, laws and Treaties stand  
upon the same footing in the constitution, being all  
declared the supreme law of the land; if treaties  
can repeal laws, then laws can repeal the constitu-  
tion, for the second (laws) are to the first (consti-  
tution) what the third (Treaties) are to the second  
(laws); then also by parity of reasoning,  
Treaties may repeal the constitution. If all stand  
on the same footing, &c. the precedence is accord-  
ing to the point of time, the last law always pre-  
vailing, then treaties may change the fundamental  
principles of our government; then the President  
and Senate by entering into stipulations with a for-  
eign government may give us a monarchy, may  
convert our President into a king and our Senate into  
a nobility; for, say the gentlemen, Treaties are the  
law of the land as well as the constitution and a  
subsequent law repeals those which are anterior.—  
But those positions are false in all their parts, a  
law or a treaty cannot repeal the constitution, a  
treaty cannot repeal a law, nor a law a treaty. If  
the manner in which the three words are placed in  
the constitution is to have any force, it would not  
favor the construction of the gentlemen; they con-  
tended for the supremacy of treaties, whereas treat-  
ies are last named and the construction from this  
source would be the reverse, when there was clash-  
ing. He next adverted to the lengths to which  
the mode of interpretation contended for by the  
gentlemen would carry them. It was never inten-  
ded, he asserted, by the people, when they institu-  
ted this government, that the Treaty power should  
possess this omnipotence. It was never intended,  
that the President and Senate should have it in their  
power to effect a radical change in our government,  
and stipulate with a foreign nation for a guarantee  
of the change. Laws contrary to the constitu-  
tion are nugatory, and Treaties contrary to existing  
laws, the same; because when in that stage they are  
not concluded under the authority of the United  
States, but are only so (and then there is no longer  
any clashing) when once they have received the  
sanction of the legislature. From the above he  
concluded, that the President and Senate originate  
Treaties, and that the legislature to a certain ex-  
tent should exercise a check upon this power. And  
upon these principles the British Treaty is not the  
supreme law of the land, until a decision on it was  
had in the legislature.

It might be supposed, Mr. Brent observed, that  
his opinion of the true construction of this part of  
the constitution was a solitary one, that it was a  
chimera of the imagination. Upon enquiry it  
would however be found, that this opinion was ad-  
vanced at the time the constitution was under con-  
sideration, in the several conventions who ratified it,  
and by the most distinguished writers of the day.—  
A member from Massachusetts had quoted parts of  
the proceedings in the state of Virginia in support  
of his construction of the constitution. He should  
not himself have brought forward the authority of  
that state in favor of a contrary construction, had  
not that gentleman cited it as authority of great  
weight. But since he had endeavored to make use  
of the proceedings in that state as an offensive  
weapon he would endeavor to employ them as a de-  
fensive weapon. Whatever aspect the debates of  
the convention there might bear as partially quoted  
by the member from Massachusetts, he was bold to  
declare that on a careful examination, it would be  
found that the majority in that body construed the  
constitution, as contended by the friends to the pre-  
sent motion. By reading detached parts a dif-  
ferent impression might be made: but if the whole  
of the debates were adverted to, it would be found  
that the President and Senate were thought to have

the same relation to the Treaty-making power, as  
the king of Great Britain has in England. He  
first quoted the sentiments of a gentleman in that  
body to whose abilities the adoption of the consti-  
tution was much attributed.

"The President and Senate have the same  
power of making treaties; and when made they  
are to have the same force and validity. They  
are to be the supreme law of the land here. This  
book shews us they are so in England. Have we  
not seen in America that treaties were violated,  
tho' they are in all countries considered as the su-  
preme law of the land? Was it not therefore neces-  
sary to declare in explicit terms, that they should  
be so here? How then is this constitution on a dif-  
ferent footing with the government of Britain?  
The worthy member says, they can make a Treaty  
relinquish our rights and inflict punishments, be-  
cause all Treaties are declared paramount to the  
constitutions and laws of the states. An attentive  
consideration of this will shew the committee, that  
they can do no such thing. The provision of the  
sixth article is, that this constitution and laws of the  
United States, which shall be made in pursuance  
thereof, and all Treaties made, or which shall be  
made, under the authority of the United States,  
shall be the supreme law of the land. They can  
by this make no Treaty which shall be repugnant  
to the spirit of the constitution, or inconsistent with  
the delegated powers. The treaties they make  
must be under the authority of the United States,  
to be within their province. It is sufficiently se-  
cured, because it only declares, that in pursuance  
of the powers given, they shall be the supreme law  
of the land, notwithstanding any thing in the con-  
stitution or laws of particular states?"  
[Debate to be continued.]

Friday, April 8.  
A motion was made by Mr. Claiborne, that those  
members who were absent yesterday when the Yeas  
and Nays were called on Mr. Blount's resolutions,  
should be allowed to enter their names on the Jour-  
nals. This motion was declared by the Speaker to  
be out of order, being directly contrary to a stand-  
ing rule of the House. It passed 41 yeas.

Mr. Findley presented four petitions from the  
inhabitants of the Western Counties; praying that  
the necessary laws may be passed for carrying the  
British and Spanish Treaties into effect. Referred  
to the committee of the whole on the late of the  
Union.

Mr. Harper withdrew his motion laid on the  
table some days ago, and substituted the following,  
viz:

Resolved, That the necessary provisions ought  
to be made for carrying into effect the Treaties  
lately concluded by the United States with the In-  
dian tribes, north west of the Ohio, with Great  
Britain, with Algiers, and with Spain.

He then gave notice that he should on Monday  
next, move to go into committee of the whole on  
the state of the Union, for the purpose of taking  
up the above resolution.

After reading several private petitions, the House  
took up the report of the committee of the whole  
on the naval armament bill.

On the motion for agreeing to the amendment  
of the committee of the whole, which was that the  
second section should be struck out, (this section  
authorizes the President to complement provisionally,  
three of the Frigates.) The Yeas and Nays were  
called, and were Yeas 56—Nays 35—as follow:  
A Y E S.

Messrs. Bailey, Baird, Baldwin, Benton, Blount,  
Brent, Bryan, Burgels, Cabell, Christie, Claiborne,  
CLOPTON, Coit, Coles, Crabb, Earle, Findley, Frank-  
lin, Gallatin, Gillespie, Giles, Gregg, Grove,  
Hampton, Harrison, Harper, Hathorn, Havens,  
HENDERSON, Holla d, Jackson, Locke, S. Lyman,  
W. Lyman, Maclay, Macon, Madison, Milledge,  
Moore, New, Nicholas, Page, Parker, Patton,  
Preston, Read, Rutherford, Sherburne, Jer. Smith,  
Israel Smith, Tatom, Van Coylandt, Varrum,  
Venable, Williams, Winn—56.  
N O E S.

Messrs. Bourn, Bradbury, Buck, Cooper, Dent,  
A. Folter, D. Folter, Gilbert, Gilman, Glenn,  
Goodhue, Griswold, Hancock, Hartley, Heath,  
Hillhouse, Hindman, Heiler, Kittera, Livingston,  
Malbone, Muhlenberg, Murray, Orr, Sedgwick,  
W. Smith, N. Smith, Sprigg, Swanwick, Swift,  
Thatcher, Thomas, Thompson, Van Alen, Waof-  
worth—35.

The next amendment was the substitute propo-  
sed for the second section, which directs the sale of  
such articles on hand as are of a perishable nature  
after completing three of the frigates—a motion  
was made to strike out the word *three* before the  
word frigates, and to leave a blank to be afterwards  
filled up. This motion was negatived. The above  
with the other amendments were then agreed to.

Mr. W. Smith then proposed a section to be ad-  
ded to the bill, the object of which is to provide  
for a government bounty on such vessels as in their  
construction may be calculated to be converted in-  
to vessels of war, in case of hostilities between the  
United States and any of the European pow-  
ers. The collectors of the ports to have a discre-  
tion in the business.

Mr. Goodhue doubted the expediency of adopt-  
ing this motion; it was unexpectedly introduced,  
and required time for consideration. He observed  
that it was impossible to combine the idea of build-  
ing commercial vessels which would at the same  
time be calculated for vessels of war. The collec-  
tors are to be the judges; but he observed there  
were very few of them competent to judge in the  
case; and in consequence the government would  
be exposed to great imposition. He thought it  
would be best that the proposition should be laid on  
the table for the present.

Mr. Parker, altho he was in favor of the prin-  
ciple, yet he doubted the eligibility of adding it to  
the present bill.

Mr. Swanwick supported the motion; he ob-  
served that it was consonant to the ideas of several  
gentlemen who opposed the building of the frigates.  
Privateers and letters of marque are considered as  
the natural resource of the country in case of war.  
In the infancy of the British naval power, govern-  
ment gave a bounty of so much per ton on all ves-  
sels calculated for, and fitted out as privateers and