

Letters of marque. Mr. Swanwick observed what...

Mr. Madison, Mr. Hillhouse, Mr. Harper and...

Mr. Williams supported the principle of the motion...

Mr. Smith supported his motion. He observed, that he had heard no solid objection against it...

Mr. Gallatin renewed his motion for striking out the word "two" in order to insert one; the object was to reduce the number of three frigates to two...

AYES.

Messrs. Bailey, Baldwin, Byran, Burges, Christie, Clopton, Coit, Coles, Crabb, Gallatin, Giles, Grifwold, Hampton, Harrison, Havens, Holland, Jackson, Locke, W. Lyman, Maclay, Moore, New, Nicholas, Israel Smith, Williams—25.

NOES.

Messrs. Ames, Baird, Benton, Blount, Bourn, Bradbury, Brent, Buck, Claiborne, Cooper, Dent, Earle, A. Foster, D. Foster, Franklin, Gilbert, Gillespie, Gilman, Glenn, Goodhue, Goodrich, Gregg, Hancock, Harper, Hartley, Hathorn, Heath, Henderson, Hillhouse, Hindman, Heister, Kittera, Livingston, S. Lyman, Macon, Malbone, Mublenberg, Murray, Orr, Page, Parker, Patton, Reed, Rutherford, Sedgwick, Sherburne, J. Smith, W. Smith, N. Smith, Swanwick, Swift, Tatam, Thompson, Van Allen, Van Cortlandt, Vanum, Wadsworth—57.

The bill was then passed with the amendments to a third reading, 54 members rising in the affirmative.

A message was received from the President of the United States by Mr. Taylor, principal clerk in the department of State, informing the House that the President has approved and signed the bill authorizing the building of a Light-House on Baker's Island...

A message was received from the Senate by Mr. Otis, their Secretary, informing the House, that the Senate recede from their amendments to the bill providing for the establishment of trading-houses for the Indian tribes...

The President's message was read, and referred, with the accompanying papers to a select committee of five members.

On motion of Mr. Sedgwick, a resolution for an uniform mode of taking evidence in cases of contested elections, was referred to the committee of elections, with instructions to report a mode accordingly.

Mr. Parker of the committee of conference on the bill to establish trading houses for the Indian tribes, made a report relative to that business. [See message from the Senate.]

The bill in addition to the act making further provision for support of the public credit, and for the reduction of the public debt was again taken up in committee of the whole. Mr. Muhlenberg in the Chair. Some small amendments took place. The bill was then reported to the house, and ordered to be engrossed for a third reading to-morrow.

The bill to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers was discussed in committee of the whole, and progress reported.

FOR THE GAZETTE OF THE UNITED STATES

Mr. FENNO. PUBLIC questions are public property; for tho' it be the province of a few to decide, it is left to all to discuss. Where an authoritative determination gives a shock to our reason, it is fortunate that nothing more than our obedience is required, and that we are not obliged at the same time to make a surrender of our senses.

In virtue of this privilege to think for himself against authority, an individual requests room in your paper for a brief argument upon a case lately

occurring, neither allogical nor impertinent as he conceives, and leading to a conclusion directly the reverse of that which has been had upon it.

IN the distribution of the powers under the Constitution of the United States, Treaty making is given to the President and Senate, and Legislation to Congress.

Hence it should seem, that treaty making and legislation are, in the sense of the constitution, of different natures; but if this be not allowed, then it follows, that the constitution has set up two legislative authorities, one for general purposes, the other for a special object.—The special treaty making, being separated from the mass of the general power.

According to the rule, then, where general and special claims to authority are in opposition, the general gives way to the special.

But it is contended, that as to the regulation of foreign commerce, the treaty-making power is the general, and legislation the special; for in the enumeration of the objects committed to Congress in the constitution, the regulation of foreign commerce is to be found.

In the case of contending jurisdictions, the law respecting them is to be so construed as that if possible each may stand.

How will this rule operate here?—If this regulation of foreign commerce by treaty be taken from Congress, their rights over this commerce, in all cases but that of treaty, will remain, as well as all their other rights; but if the regulation of foreign commerce be taken from the treaty making power, the abstraction of, but this seeming part will be in effect the annihilation of the whole power—for under the peculiar circumstances of the United States, but for the cause of commerce we can conceive of no subject, whatever, of treaty.—As our commerce is with any one nation, so always must be our political relation—it must depend on and grow out of commerce; without this we should not be in a state of friendship or enmity, alliance or war, with any nation.

But it is contended, that tho' Congress are shut out of any original agency in the making of treaties, yet where auxiliary laws are necessary, their authority must be required; so that an eventual control over the treaty making power remains to them.—But a complete power, with a control over it, is a solecism.

The constitution has declared, that a treaty shall be the supreme law of the land; not as is said, unless it has a legislative sanction to be signified by some law—then is the sanctioning act and not the treaty to be the supreme law of the land—which makes the constitution speak this superfluous language that a law shall be a law of the land.

If a treaty, as is maintained by all the judges, looks back to repeal any prior laws which stand in its way, it should look forward with the effect of creating laws to provide for its own execution.—But admitting a treaty requires special legislative acts for this purpose, are the legislature not under the direction of the constitution to provide them?

And the opinion goes to appropriations as well as to other auxiliary means; an appropriation being a grant of money to give effect to a law; it not being a law in itself, it can neither make nor unmake, but always pre-supposes a law.

Every law requiring money carries on it a tacit promise and obligation that it shall be granted when necessary, and no objection can remain but in the manner of granting; it must be done in substance.

To allow of a discretion to withhold an appropriation, would be to enable Congress, or either house, to stop the pulse of government at a moment, to annihilate the constitution, or break up the Union at will.

Why then are not appropriations a part originally of the bills or laws they relate to? The reason is, chiefly, that the grant must be taken out of existing funds which cannot be always previously known.

Extreme cases have been put, in which appropriations may be withheld; not indeed to check a law, but to check those who should abuse it in its administration, and endanger the public by it; for the public safety is the paramount rule. In extreme cases an executive officer may depart from the letter of his duty. The treasurer of the United States might withhold his payment of a warrant, if he knew that, through corruption or treason, it was to purchase a fleet to bombard one of our seaport towns. In such case, his inhumanity would not be in the law, but in the reason of the thing, and in the public sense of his integrity.—Such cases are not in the contemplation of the constitution, and therefore cannot be argued from. But Congress are not, like an executive officer, responsible agents, and therefore have a greater latitude of action: True; but tho' not on this account equally obnoxious to penalty, they might nevertheless be equally criminal; for there may be offences where punishment is not provided. Z.

NEW-YORK, April 4.

Table with columns: Ship, Arrived at this Port, Days. Ship Cheefeman, Libson; Atlas, Duplex, St. Bartholomew; Brig Boston, Webb, Hull 55; Schr. Clarissa, Congdon, Jeremie 23; Atlantic, Sayce, Jamaica.

CHARLESTON, (S. C.) March 21.

Yesterday arrived the brig Julius Pringle, M'Neil Cadiz, 75 days.

Sir John Jervis had arrived in the Mediterranean and taken command of the British fleet. Admiral Hotham had gone for England; it was expected he would be tried by a Court Martial for suffering Admiral Richery, who captured the Levant fleet to slip out of Toulon.

Major Pinckney the American Minister had gone from Spain for England; he left Charles Rutledge esq. Charge de Affaires at the Spanish Court. The king and queen of Spain were expected at Cadiz when capt. M'Neil left it; they were on a visit to Seville, to fulfil a vow the king had made. All the foreign ministers at the Court of Spain attended their majesties on this pious occasion.

PITTSBURGH, April 2.

On Tuesday last at Fayette county, Union town the Grand Jury presented to the Court a petition for carrying into effect the British and Spanish treaties, signed by them unanimously. It was then signed by the court, which adjourned to give the suitors of the court, and other inhabitants of the county then attending an opportunity to consider the petition. The meeting in the Court house was large, and consisted of a great number of the principal people; several publications were read; and perous present spoke on the occasion. It was then moved and resolved unanimously, That it is the sense of this meeting, that the late Treaties with Britain and Spain ought to be carried into complete execution speedily, that there may be no impediment to objects in which this country is so greatly interested, the possession of the Western Posts, and the free navigation of the river Mississippi.

On Monday week last the Grand Jury, Court Bar, and Suitors of the Court attending at Somerset, had presented and signed with unanimity petitions to the same effect, with great earnestness soliciting a ready concurrence in passing all laws necessary to the execution of the treaties.

Philadelphia,

SATURDAY EVENING, APRIL 9, 1796.

Yesterday at a meeting of the Aldermen of the city the following Gentlemen were re-chosen: MATTHEW CLARKSON, Mayor, ALEXANDER WILCOCKS, Recorder.

In the eyes and noes published yesterday, in one of the lists, for Bald. read Baldwin.

An adjourned meeting of the Pennsylvania Society for promoting the Abolition of Slavery, &c. &c. will be held at the usual place, on second day next, the 11th inst. at 7 o'clock in the evening. BENJ. KITE, Secretary.

4th Mo. 9th, 1796.

PORT OF PHILADELPHIA.

Table with columns: ARRIVED, DATES, CANCELED. Ship Delaware, Canton, 136; Brig Governor Brock, Havana, 14; Schooner Nancy, Hathaway, Returned in distress; Porga, Coffin, Havana 21.

NEW-YORK, April 8.

Yesterday afternoon arrived here, the Ship OHIO, Capt. M'Laughlin in 33 days from Greenock (Scotland.) By this vessel the Editor has received Glasgow papers up to the first of March. Extracts from which follow.

GLASGOW, March 1.

The general features of all the intelligence which has been received from the continent for some weeks past, have been strongly indicative of an immediate recommencement of hostilities between the Imperialists and the French. In the propositions which had been made for a peace, it is said, that the French agreed to abandon their project of making the Rhine their boundary, and to limit their views to the retention of those countries which they have incorporated with their own; or, in other words, that they would keep possession of the Austrian Netherlands. To these terms the Allies have peremptorily refused to accede; and all hopes of peace have, of consequence, entirely vanished. Both armies have been considerably augmented; that of the Imperialists is about to be reinforced by 40,000 Russians.

The Allies will have learnt, with some degree of astonishment, and the French, no doubt, with satisfaction, that General Clairfayt has resigned the command of the army on the Rhine. Whether his resignation has proceeded from choice; or from a hopeless prospect of the war; or whether he has been dismissed for suspending hostilities, are questions which we are not yet, and perhaps never may be, prepared to answer.

Prussians, to the number of 40,000, are now actually on their march to the circle of Franconia, where winter quarters have been prepared for them. A short time will probably ascertain the precise object of this movement.

The king of Sardinia has declared that he will not make peace, but in conjunction with his allies; and while some letters from Italy inform us, that the contending armies have gone into winter quarters, others assure us that the war in that quarter threatens to be more desperate than it has hitherto been.

The only article wearing a pacific complexion, is a letter from Basle, mentioning, that ministers from the Court of Sweden and Denmark, had arrived there in cog. and that something agreeable on the subject of peace, it was expected, would soon be made public.

It has been currently and confidently rumored for some days past, that the Dutch fleet, consisting of several sail of the line, besides frigates, has sailed from the Texel.

LONDON, February 27.

The Dutch fleet is most certainly at sea, but of what force it consists is not perfectly ascertained. A vessel arrived at Yarmouth passed thro' it, and the captain represents the number of ships to be 18, of which probably eight or ten of the line.

Another account says—The Clatton India ship of war, Capt. Trollop, saw the Dutch fleet on the 24th inst. and counted their line of battle to consist of 12 sail, viz. 7 ships from 74 guns down to 60 5 from 50 to 44, and 5 frigates. By their course it was conjectured that they were going North about, in order to form a junction with the Brest fleet.

A report prevailed yesterday in the highest circles, that General Clairfayt is dead. The credit which it received from those who had the best opportunity of ascertaining its validity, induces us to think that it is but too true. His loss in the present state of affairs will be most severely felt.

We are happy to state, that the report of a disturbance in the island of Corfica is totally unfounded. Capt. Young who arrived in London, on Wednesday, sailed from Balkia on the 25th ult. when the island was in a state of perfect tranquility.

The son of the Baron de Vaux was the general who was here for 10 days on a confidential mission, and who took his departure on Monday night, after Mr. Gray's motion. M. de Vaux claims a lineal descent from an emigrant family of Grant in Scotland, that followed the fortunes of the exiled house of Stuart, and his son's passport both from the Directors and the Duke of Portland was in the name of the Grant.

Yesterday, Admiral Duncan hoisted his flag on board the Powerful, of 74 guns in the Downs.

A French cartel ship, with 240 British troops on board, taken to a transport in the Mediterranean, lately put into L'Aw, when, as there was no French Consul in that port, the prince of Brazil gave orders that the French commandant should be furnished with what he might want to refresh from the royal arsenal.

The matters of the ship in the late convoy from the Leeward Islands have presented Vice-Admiral Thompson with an elegant gold hilted sword, as an acknowledgment of the very ample protection and assistance afforded by him to the vessel on its passage home.

The under-writers at Lloyd's have testified their approbation of the conduct of Capt. Burlton, by presenting him with a beautiful Vase or Cup, valued at 200 guineas, in consideration of the activity and zeal displayed by him since he has commanded his present ship. This cup is of silver beautifully gilt with burnished gold; it is ornamented with dolphins, bull-rushes, and other naval trophies, Bacchus and Ariadne form the handles, and at the top is Neptune with his trident. The following inscription is engraved thereon.

"Lloyd's, Feb. 16, 1796.

This cup is presented to CAPTAIN GEORGE BURLTON Of his majesty's ship Lively, By the Underwriters of London, As a testimony of their sense of his great zeal in protecting the trade of this country. First, by his personal courage, and more particularly by the activity with which he has repeatedly resumed his station, after returning into port with his prizes."

PORTSMOUTH, Feb. 25. The Prince of Wales man of war, of 90 guns, Admiral Harvey, with most of the men of war at Spithead, under his command, are ordered for sea, as soon as possible. Four of the members who sat on the trial of Captain Norman are taken off, a thing, it is said, never known before.

Table with columns: Arrived at this Port, DATES. Ship Ohio, M'Laughlin, Greenock 33; Schr. Angelina, Bes, St. Simon's, Georgia 10; Anna, Howard, Wilmington 8; Sloop Maria, Jackson, Philadelphia 6; Maria, Timberfon, St. Croix 15; Hope, Kenny, Port-au-Paix 15; Capt. M'Laughlin, of the ship Ohio, in 33 days from Greenock, on 26th March, took the brig Abigail, from Liverpool, bound to Philadelphia, long 53, lat. 40, 35—33 days out.

NEW THEATRE.

Public are respectfully informed, that the Doors of the Theatre will be opened at half an hour after FIVE, and the Curtain rise precisely at half past six o'clock, for the remainder of the Season.

MONDAY EVENING, April 11, Will be presented, (For the second time) a celebrated COMEDY, written by Mr. Arthur Murphy, called

- All in the Wrong. Sir John Restless, Mr. Whitlock; Beverley, Mr. Moreton; Sir William Bellmont, Mr. Warrell; Young Bellmont, Mr. Green; Mr. Blandford, Mr. Francis; Robert, Mr. Beste; Brush, Mr. Blissett; Richard, Mr. Mitchell; James, Mr. Warrall, jun.; John, Mr. Darley, jun.; Lady Restless, Mrs. Whitlock; Belinda, Mrs. Morris; Clarissa, Mrs. Francis; Tattle, Mrs. Rowson; Tippet, Miss Oldfield; Marmaleet, Mrs. Harvey.

To which will be added, A Musical Dramatic Tale, in two acts, called The Sicilian Romance; Or, The Apparition of the Cliffs. [Performing at Covent Garden Theatre, London, with the greatest applause.] Ferrand, Marquis of Otranto, Mr. Moreton; Don Lope de Viega, Mr. Morris; Lindor, Mr. Macball; Martin, Mr. Harwood; Jaques, Mr. Mitchell; Sancho, Mr. Warrell; Gerbin, Mr. Wignell; Julia, Miss Solomon; Alinda, Mrs. Warrell; Clara, Mrs. Oldmixon; Adelaide, Lady of Otranto, Mrs. Whitlock.

The music composed by Mr. Reinagle.

The annual Election

FOR DIRECTORS and a TREASURER of the Library Company of Philadelphia, will be held at the Library, in Fifth-street, on Monday, the second of May next, at three o'clock in the afternoon, when the Treasurer will attend to receive the annual payments. As there are several shares on which fines are due, the owners of them, or their representatives, are hereby notified, that they will be forfeited, agreeably to the laws of the Company, unless the said arrears be paid off on the fifth day of May, or within ten days after.

By order of the Directors, BENJAMIN R. MORGAN, Secretary.

April 9. For BOSTON, The brig Neptune, (A constant trader) DANIEL RHODES, Master, LYING at Clifford's wharf, will positively sail on Thursday next, has excellent accommodations for passengers.—For freight or passage apply to Edward Stow, Jun.

April 9. No. 4, South Water-street.