

## STOCKS.

Six per Cent.	17/10	Int.
Three per Cent.	10/6	Int.
Deferred Six per Cent.	13/10	
5 1/2 per Cent.	16/8	
BANK—United States	29	pr. cent.
Pennsylvania	23	27 1/2
North America	48	
Insurance Comp. North America	15	dols. or 50 pr. ct.
Pennsylvania	14	pr. ct.
Exchange, at 60 days	160	

## NEW THEATRE.

The Public are respectfully informed, that the Doors of the Theatre will open 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 Reffles,	Mr. Whitlock,
Deverley,	Mr. Moreton,
Sir William Belmont,	Mr. Warrell,
Young Belmont,	Mr. Green,
Mr. Blandford,	Mr. Francis,
Robert,	Mr. Bette,
Bruff,	Mr. Bliffet,
Richard,	Mr. Mitchell,
James,	Mr. Warrell, jun.
John,	Mr. Darley, jun.
Lady Reffles,	Mrs. Whitlock,
Belinda,	Mrs. Morris,
Clarissa,	Mrs. Francis,
Tattilo,	Mrs. Rowson,
Tippet,	Mrs. Oldmixon,
Marmale,	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 Viera,	Mr. Morris,
Lindor,	Mr. Marshall,
Martin,	Mr. Harwood,
Jaques,	Mr. Mitchell,
Sancho,	Mr. Warrell,
Gerbin,	Mr. Wignell,
Julia,	Mrs. Solomon,
Alinda,	Mrs. Warrell,
Clara,	Mrs. Oldmixon,
Adelaide, Lady of Otranto,	Mrs. Whitlock.

The music composed by Mr. Reinagle.

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 Theatre.

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 RESUBLICA.

## 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 dollars, 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	1,600

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

## 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 are paid off on the said second day of May, or within ten days after.

By order of the Directors,

BENJAMIN R. MORGAN, Secretary.

April 9.

34w.

## 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 Members 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.

## 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 Mrs. HUNTLEY, and R. TAYLOR. Particulars will be made known due time.

April 4.

t,th&s.

## 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'S speech—concluded.

He then cited the sentiments of another member who was also an advocate for the adoption of the constitution.

"The hon. gentleman on the other side, tells us, that this doctrine is not sound, because in England it is declared, that the consent of Parliament is necessary. Had the hon. gentleman used his usual discernment and penetration, he would see the difference between a commercial Treaty and other Treaties. A commercial Treaty must be submitted to the consideration of Parliament; because such Treaties will render it necessary to alter some laws, add new clauses to former, and repeal others. If this be not done, the Treaty is void, *quoad hoc*. The Mississippi cannot be dismembered but two ways—by a common Treaty, or a commercial Treaty. If the interest of Congress will lead them to yield it by the first, the law of nations would justify the people of Kentucky to resist, and the cession would be nugatory. It cannot then be rendered by a common Treaty. Can it be done by a commercial Treaty? If it should, the consent of the House of Representatives would be requisite; because of the correspondent alterations that must be made in the laws. [Here Mr. Corbin illustrated his position, by reading the last clause of the Treaty with France, which gives certain commercial privileges to the subjects of France; to give full effect to which, certain correspondent alterations were necessary in the commercial regulations.] This, continued, secures Legislative interference." He mentioned a third authority from the same source.

"I think the argument of the gentleman who restrained the supremacy of these to the laws of particular States, and not to Congress, is rational. Here the supremacy of a Treaty is contrasted with the supremacy of the laws of the States. It cannot be otherwise supreme. If it does not supersede their existing laws as far as they contravene its operation, it cannot be of any effect."

It was at that day the opposers of the constitution who insisted, that the constitution gave the President and Senate the unqualified power of making all Treaties, and they contended that this power would work the overthrow of liberty. If the public sentiment of that day is to be recurring to for an exposition of the constitution, he wished to know whether the sentiments of the majority or minority were to be recurring to? Unless the gentlemen would prove that the minority, gave on that occasion the true exposition of the constitution, the sense of the majority must be considered as expressing the wishes of the people, under the opinion which caused the ratification of the instrument.

The committee had been told, however, that the deliberations of the North-Carolina convention bore a different aspect: But here the gentlemen had been equally unfortunate in their quotation, for they had cited the sentiments held out in the convention that did not ratify the constitution; that that convention was dissolved before the constitution was adopted; that another met, who received and ratified it, and a worthy representative from North-Carolina now in Congress, who was a member of the convention has informed, that the constitution given to the Treaty power by the friends of the instrument in that body was the one contended for by the advocates of the present motion: The first convention who misconstrued the Treaty power broke up without functioning the instrument; but the second, who construed it differently and who ratified the constitution must undoubtedly be considered as having really expressed the sentiments of the people.

He was surprised, he said, that gentlemen should conceive the constitution now contended for as novel, that the member from Massachusetts should in so earnest a manner declare, that the doctrine is novel, when by recurring to the very debates he produced, the construction was unequivocally laid down. To make the assertion he must entirely have lost sight of the various debates and writings of the day. He would quote a passage from the work of a distinguished writer of the day, who was in opposition to the adoption of the constitution, but who thought he made various objections to the instrument and appeared solicitous to find fault, yet construed the part of the constitution now under consideration as the friends to the motion do. He meant the *Federal Farmer*. The following is the passage he quoted.

"On a fair construction of the constitution, I think the Legislature has a proper controul over the President and Senate, in settling commercial Treaties:—By one article, 'the Legislature shall have power to regulate commerce with foreign nations,' &c. and by another article, 'the President, with the advice and consent of two-thirds of the Senate, shall have power to make Treaties.' These clauses must be considered together; and we ought never to make one part of the same instrument contradict another, if it can be avoided by any reasonable construction. By the first recited clause, the Legislature has the power, that is, as I understand it, the sole power, to regulate commerce with foreign nations, or to make all the rules and regulations respecting trade and commerce, between our citizens and foreigners. By the second recited clause, the President and Senate have power generally to make Treaties. There are several kinds of Treaties, as Treaties of Commerce, of Peace, of Alliance, &c. I think the words, 'to make Treaties,' may be consistently construed, and yet so as it shall be left to the Legislature to confirm commercial treaties. They are, in their nature and operation, very distinct from Treaties of peace and of alliance. The latter generally require secrecy; it is, but very seldom they interfere with the laws and internal police of the country; to make them, is properly the exercise of executive powers; and the constitution authorizes the President and Senate to make treaties, and gives the Legislatures no power directly or indirectly respecting these treaties of

peace and alliance. As to treaties of commerce, they do not generally require secrecy; they almost always involve in them Legislative powers; interfere with the laws and internal police of the country; and operate immediately on persons of property, especially in commercial towns; ('They have in Great Britain usually been confirmed by Parliament.') They consist of rules and regulations respecting commerce; 'and to regulate commerce, or to make regulations respecting commerce, the Federal Legislature, by the Constitution, has the power.' I do not see that any commercial regulations can be made in treaties, that will not infringe upon this power in the Legislature. Therefore I infer, that the true construction is, that the President and Senate shall make treaties; but 'all commercial treaties shall be subject to be confirmed by the Legislature.' This construction will render the clauses consistent, and make the powers of the President and Senate, respecting treaties, much less exceptionable."

He contended that the power of making Treaties and of entering into foreign negotiations did not imply a power of making them laws of the land; and that if the constitution meant to place constitution, laws and Treaties on the same footing and that the President and Senate could repeal laws, and change the constitution, that instrument was monstrous indeed, and if it had been so understood could never have received the sanction of the different conventions. It was ratified under the impression, that the President and Senate had the power of originating Treaties; but that when they involved legislative considerations, they did not become Treaties under the authority of the United States until they had been submitted to the Legislature.

Gentlemen had asserted, that if the construction of the friends of the resolution prevailed it would be difficult to regulate our foreign concerns. He could not see the justice of this remark; for the Treaty power had been exercised under these modifications in Great Britain, and it had not been found defective in this particular. Indeed, he observed, it is more likely to be expected, that this would not have been brought in as an argument, as the very treaty now in question will stand in Great Britain precisely on the footing here contended for.

He might have recourse, he said, to the pamphlet called the *Federalist* as another authority to prove his construction. He expressed his surprise that the gentleman from Massachusetts should never have heard of these opinions and authorities. The debates of the Pennsylvania convention, he understood, were analogous to those in Virginia.

If the President and Senate possess this unlimited treaty making power, what security, he asked, have we for our rights. He was not referring, he said, to the persons now in office, who might be all virtue; but he was speaking of the consequence of the principles. Tho' the President and Senate of the present day might never make an improper use of power, what might occur at a future day should be adverted to, for the constitution was not intended for the present day only, but for future times. As highly as he valued the President, as much as he felt for the great services he had rendered—yet even he, he would not trust with such unbounded power. Unlimited power was apt to corrupt the purest heart, and he wished to do nothing, that could cast a shade over that character which had been the admiration of the intelligent world. But liberty, he considered, as the best gift of heaven to man, and he did not wish to hold it by the courtesy of any man.

The amendments proposed by the convention of Virginia were cited as proving that Virginia saw the constitution in the light contended for. If they are attended to, he conceived, they could not ascertain the fact. The amendment in question goes to providing, that no commercial treaty shall be concluded without the consent of two-thirds of the lower house; but surely this does not go to prove that they conceived the house had no voice in those treaties directly or indirectly.

If it be admitted that the President and Senate can make treaties which ipso facto become laws of the land, without any assent of the house, without their being able even to exercise their discretion in making appropriations, then the house are a mere body for form sake. The advocates of this construction had stated as an example the case of the judges salary which the constitution declares shall neither be increased nor diminished while they remain in office, and they contended, that the house could no more refuse appropriations to carry a treaty into effect, than to refuse to make provision for the salaries of those judges. There was, he conceived, a material distinction between the two cases. In the first the house were bound by no constitutional tie, in the latter they lay under an express injunction of the constitution, from which they could not depart without perjury. When there is a constitutional injunction to appropriate, no discretion is left to the legislature; but when even a law is to be carried into effect by an appropriation, the house may withhold it and thus indirectly repeal the law. The constitution not only intended to vest in the house this discretionary power of repealing a law by refusing appropriations; but it was so attached to it, that in one case, it cannot divest itself of it, but is bound to exercise it periodically: such is the case on the subject of military force; and notwithstanding the important light in which the constitution views this power of appropriation, and the jealousy with which it is guarded; yet some members are hardy enough to insist, that it would be a violation of the constitution to exercise this discretion. If the house should attempt to exercise this discretion when they are under a constitutional injunction to appropriate they would be departing from the constitution; but if they use it to effect the repeal of a law, they exercise a right the constitution has given them, and of which they cannot divest themselves, and a treaty cannot be looked upon in any other light than a law.

He recapitulated the principal features of the preceding remarks.

He adverted to the charge of treason which has been thrown out against the friends of the resolution; and remarked, that the constitution may be violated by other departments of government as well as the house, and that if this was treason in

one case it must be in the other. It was not for the President and Senate that the constitution was formed; but for the people, to preserve their liberties, and that constitution would be infringed if an intended check was done away by a forced construction. To give a power not intended when the constitution was adopted to the President and Senate was as much overturning the established order of government, as to encroach upon their authority. The aim of every man should be to preserve the happy mean; not to suffer any department to engross more power than it should have; to preserve the symmetry of the fabric and keep the balance; for which ever way it inclined; whether too much towards democracy or too much towards executive energy—in either case, the epithets of revolutionary, disorganizing, &c. might be applied.

An insinuation he remarked had been brought into view, both uncandid and unkind. It was suggested, that the present motion was brought forward, because the treaty is made with Great Britain. Why should members impute to others improper motives. The insinuation he considered as unwarrantable and groundless. For his own part he was free to declare, that if the treaty was the best that could be made; if it poured a stream of wealth into the lap of our country, if made with his most favorite nation, and it was attempted to be carried into effect by a violation of the constitution he would oppose it. Tho' a departure from the constitution at one time may bestow some fugitive advantages yet he was firmly of opinion, that such deviations would go finally to its destruction; if a single departure from the constitution be once permitted, the government will subject it to constant violations.

He did not conceive, that the decision of the present question went to decide any question with respect to the Treaty. Tho' the present resolution be adopted he should still feel himself at liberty to consider freely the merits of the treaty when it comes before the house; by voting for this resolution he should not consider himself committed. He did not wish to make up his mind on the treaty hastily; when before the house if advantageous he should give it his assent; but the present is not a treaty question, it is only a question involving certain constitutional powers of the Legislature. He was not prepared to give his sanction to the treaty; but if upon full enquiry he found it for the interest of his country that it should be carried into effect, he certainly would vote for it; but he must confess, that if the papers proposed to be called for were not obtained it would make upon his mind a disagreeable impression with respect to that instrument.

The committee rose, reported progress, and obtained leave to sit again.

[Debate to be continued.]

Saturday, April 9.

The bill supplementary to an act for providing a naval armament, was read a third time and passed.

Mr. Holland opposed the passing of the bill in a speech of some length, in which he very forcibly urged the impolicy of the measure. He insisted that two or three frigates would only serve to provoke attack, without being able to make resistance, and instead of gaining respect would excite contempt from foreigners. He objected to the measure also on account of the very great expence it would be attended with, at a time, he said, when they were much frightened for money, on the motion of Mr. Williams the yeas and nays were taken upon the passing of the bill, as follows:

## YEAS.

Messrs. Baird, Baldwin, Benton, Brabury, Brent, Buck, Claiborne, Cooper, Crabb, Dent, Earl, A. Foster, D. Foster, Franklin, Gilbert, Gillespie, Gilman, Glenn, Goodhue, Goodrich, Gregg, Griswold, Hancock, Harper, Harrison, Hartley, Heath, Henderson, Hillhouse, Hindman, Heister, Kittera, Livingston, Locke, S. Lyman, Macon, Madison, Muhlenburgh, Malbone, Milledge, Murray, Nicholas, Page, Parker, Patten, Read, Sedgwick, Sherbourne, Jer. Smith, W. Smith, N. Smith, Sprigg, Swanwick, Swift, Tatom, Thatcher, Thomas, Thompson, Van Allen, Van Cortlandt, Varnum, Wadsworth—62.

## NAYS.

Messrs. Bailey, Blount, Bryan, Burges, Cal ell, Christie, Clopton, Coit, Coles, Giles, Gallatin, Hampton, Havens, Holland, Jackson, W. Lyman, Maclay, New, Preston, Rutherford, J. Smith Venable, Williams—23.

The bill making further provision for public credit, and for the reduction of the public debt, was read a third time and passed.

A bill declaring the assent of Congress to an act to be passed by the State of Massachusetts, for laying a certain tonnage upon vessels navigating the Kennebec river, to defray the expence of erecting a pier therein, was read twice and referred to a committee of the whole on Monday week.

Mr. Christie said there was a great scarcity of Indian corn in the country, and when he considered that it would yet be nine months before the return of a new crop, he believed it would be necessary to take steps to prevent, for a limited time, its exportation, as many poor persons depended upon it almost wholly for food. He therefore proposed the following resolution to the consideration of the house:—

Resolved, That a Committee be appointed to enquire into the expediency of preventing the exportation, from the United States, of Indian corn, and corn meal, for months. Ordered to lie on the table.

The house then resolved itself into a committee of the whole on the bill for carrying on intercourse with the Indian tribes; when the motion for striking out the clause which provides that all persons going upon the land ceded to the Indians, to mark out or take possession of it, should forfeit all right to the same. Being under consideration a lengthy debate took place, and the motion was at length lost, 32 to 38. The committee rose and had leave to sit again.

Adjourned.