

## NEW THEATRE.

Towards the Encrease of the Funds for the support of  
*The Philadelphia Dispensary,*  
Established for the Relief of Sick Persons in indigent  
Circumstances; and of  
*The Sunday Schools.*

On WEDNESDAY EVENING, April 27,

Will be presented,

A COMEDY, called

**Every one has his fault.**

Lord Norland,	Mr. Whitlock,
Sir Robert Ramble,	Mr. Wignell,
Mr. Solus,	Mr. Morris,
Mr. Harmony,	Mr. Bates,
Captain Irwin,	Mr. Moreton,
Mr. Placid,	Mr. Green,
Hammond,	Mr. Warrell, jun.
Porter,	Mr. Warrell,
Edward,	Mrs. Marshall,
Lady Eleanor Irwin,	Mrs. Whitlock,
Mrs. Placid,	Mrs. Shaws,
Miss Spinfiler,	Mrs. Bates,
Miss Woodburn,	Mrs. Morris,

End of the Comedy, a Dance, (composed by Mr. Francis) called

**The Irish Vagary.**

With an Irish Medley Overture, composed by Mr. Reinagle.

By Messrs. Lege, Warrell, jun. T. Warrell, Darley, jun. Mitchell, Morgan and Francis

Mrs. De Marquis, Mrs. Bates, Mrs. Harvey, Mrs. Doctor, Mrs. Lege, Miss Oldfield, Miss Rowson, Miss Rowson, Miss Wilkins and Miss Milbourne.

In the course of the Dance will be introduced  
A LILT, by Mr. Francis and Mrs. De Marquis.

To which will be added,

A MUSICAL FARCE, called

**The ROMP.**

Watty Cockney,	Mr. Francis,
Barnacle,	Mr. Blissett,
Old Cockney,	Mr. Warrell,
Captain Sighly,	Mr. Marshall,
Priscilla Tomboy,	Mrs. Marshall,
Penelope,	Mrs. Wilkins,
Madame Le Blond,	Mrs. Harvey,

On Friday, a celebrated Comedy, (never performed here) called **THE DESERTED DAUGHTER**, with Entertainments.

Mr. Moreton's Night will be on Monday next.

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.

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. 30, 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 RESPUBLICA.

### 40 Dollars Reward.

LOST, a Red Morocco Pocket Book, containing a number of Bank Bills, amounting to upwards of 200 dollars, two guineas, and one half Joe. Whoever has found the same and will bring it to the Cone-stoga Waggon, No. 140, Market Street, shall receive forty dollars.

April 26.

\*3t

## LOST,

ON Sunday evening last, between the Warren Tavern and the city of Philadelphia, a memorandum POC-ET BOOK, with a Bond inclosed therein for 2750 dollars, (as near as it can be recollected) on James Dickey, of the county of Franklin and State of Pennsylvania; on the back of said bond there were two receipts for part of the money. Also, a Virginia military warrant for 400 acres of land, assigned last to Robert Campbell, and a plat and certificate of survey obtained by virtue of said warrant, with some other memorandums.

Whoever has found the same, and will deliver it to the owners, at No. 5, South Fourth-Street, shall have a generous reward.

April 27.

\*3t

No. 130.

Distric of Pennsylvania, to wit:

BE it remembered, that on the 4th day of April, in the twentieth year of the Independence of the United States of America, Benjamin Davies of the said district hath deposited in this Office, the Title of a Book, the right whereof he claims as proprietor, in the words following, to wit:

"The Political Censor, or monthly Review of the most interesting political occurrences relative to the United States of America—by Peter Porcupine."

In conformity to the Act of the Congress of the United States, intitled "an Act for the encouragement of learning, by securing the copies of maps, charts and books to the authors and proprietors of such copies during the times therein mentioned."

SAMUEL CALDWELL,

Clerk Dist. Court Pennsylvania.

April 27.

13w4w.

## LAW BOOK STORE,

NO. 313, HIGH-STREET,

A VERY GENERAL IMPORTATION OF LAW BOOKS JUST OPENED.

GEORGE DAVIS'S

EXTENSIVE collection of the latest Irish Editions being now arranged, he begs to offer them for Sale, on the same moderate terms, as have for several years past, so particularly distinguished them; and to assure those Gentlemen who may favor him with attention, that their orders from any distance, whether for a single volume, or an entire Library, shall be executed with the like promptitude, and acknowledged with thanks.

CATALOGUES for the present year are prepared, and will be delivered on application.

N. B. A number of Trunks to be disposed of.

26th April.

m&ctow

## FOR SALE.

A POUND of BREVIER, half worn; about four hundred weight. Enquire at the Office of the Gazette of the United States, No. 119 Chestnut-Street December 1.

## TO LET,

A large brick Dwelling-House, No. 119, South Water Street; possession of which may be had the 1st of July next. For terms apply at No. 149, South Front-Street. April 26.

## CONGRESS.

### HOUSE OF REPRESENTATIVES.

Thursday, March 17.

Debate on Mr. Livingston's resolution continued.

Mr. Reed said he could see no necessity for the papers referred to in the resolution. If the Constitutionality of the treaty should be questioned, or the propriety of making appropriations; these questions he conceived, must be determined by comparing the treaty with the Constitution, and by attending to those stipulations contained in the treaty itself.

It was not his intention, he said, to have troubled the committee by speaking on this occasion, but, perceiving that some gentlemen in the course of the debate, had gone farther into opposite extremes, than he was prepared at present to follow them; he felt as if he ought to express his own sentiments, with regard to the constitutional rights of that House, relative to the treaty in question. The treaty was undoubtedly negotiated, ratified and promulgated by constitutional authority. The President, with the advice and consent of two-thirds of the Senate, was, in his opinion, unquestionably that authority, which the United States had authorized to make treaties. But still, it seemed taken for granted, that some agency of that House, in its legislative capacity, would be needed, in order to carry the aforelaid treaty into effect. A question therefore arose, viz. Was that House, in all such cases, bound and obliged to put so implicit and absolute a confidence in the Executive, or in treaties, as would render it entirely unnecessary to have any opinion of their own about them or the probable consequences of their operations. For his part, he said, if he had never seen the treaty in contemplation, and were perfectly ignorant of its contents; or if he fully believed as a citizen, that it was unconstitutional, or calculated to ruin, or very materially injure the country, he should not think himself justifiable in voting to appropriate money for the purpose of carrying it into effect. It had been conceded by gentlemen, that if a treaty were evidently unconstitutional, it would not be wrong to withhold appropriations; and he conceived that a treaty might possibly be so injurious in its effects, as to justify such a measure. Supposing such a possible event should ever actually happen, did not the right of refusing to legislate in support of the said treaty, involve the right of previously examining all treaties which need the aid of the legislature, and of judging for themselves, whether it would be proper or improper to make laws for the purpose of carrying them into effect.

In making treaties, the Executive would use his own discretion, keeping within the limits, prescribed for him by the Constitution. In making laws the Legislature must use their own discretion, always keeping within those limits and bounds which the constitution has fixed for them. He said, the discretionary right here contended for was, not the right of doing wrong. It was not the right of violating the constitution. It was not the right of supporting a treaty which ought to be defeated, nor of defeating a treaty which ought to be supported. But simply, the right of judging for themselves, whether they ought, by their own act, and deed, in the character of legislators, to appropriate by law, such sums of money, as should be needed, in order to support an existing treaty, all things and circumstances, relating thereto, being suitably examined, and properly considered. Perhaps it would be objected that the constitution no where expressly gave the legislators that right. He answered the right was not precluded; but implied; and, in some respects, evidently one of the original and essential rights of man, a law of nature, prior and superior to all other laws; a law never to be transgressed in any station whatsoever. Individuals he said, in many cases at least, had a right to exercise their own discretion with respect to the propriety, of submitting to a civil law, or of risking the penalty, the consequences of disobedience; and, as a branch of the Legislature he believed they had a right to deliberate, and consult among other things, the expediency and duty of making, or of refusing to make appropriations, even in the case of a treaty. It appeared to him, he said, that in legislating, the legislature should have this right of judging for themselves, with respect to the propriety of making, or of refusing to make any law whatsoever. In most cases their duty would perhaps appear plain and obvious; particularly in the case of appropriating money, where a law, or treaty, actually existed. However, the obligation did not arise wholly from the circumstance of an existing law, but partly from the nature, reasonableness, and tendency of the thing itself.

A Treaty negotiated by constitutional authority was, he contended, a solemn compact between two nations. It was an important consideration; but, he thought they might, with propriety, attend to other considerations, for and against it, especially, when their own aid was required, in order to carry it fully into effect. This he conceived was the right of the house; and no encroachment upon the prerogative of the other branches. An appropriation was a specific sum, appropriated by a particular law to a particular purpose.

The right of appropriating the public money, was not a natural right, but a right derived from the constitution; and the legislature was to exercise that right according to the honest dictates of their own best discretion; excepting those instances in which they were expressly restricted by the constitution itself, as in the cases of compensation for the services of the President of the United States; and, for the services of the judges. Congress might deliberate and act discretionarily, in stating at first, their salaries.

With respect to the judges; if after their salaries had been stated, they should be deemed insufficient, Congress had a discretionary right to increase them; but the constitution said, they should not be diminished, during their continuance in office. With respect to the President's salary, Congress had no discretionary right to make any alteration; for, the constitution said it should not be increased, nor diminished.

With regard to compensations and appropriations in general, wherein there was no restriction, or limitation, the whole affair, seemed left to the discretion of those whom the constitution had authorized to transact such business. He said the case of an existing establishment, or law, might be a very good reason, why each branch of the legislature, should deliberate and decide with peculiar caution; but, as the constitution no where expressly said, that appropriations should be made, in all such cases; and as mankind had a natural right, to alter their opinion or differ from others, each branch of the legislature, had a constitutional right of judging for themselves, and of making appropriations according to the dictates of their own honest judgment.

He said, it was acknowledged by all, that the constitution was their rule, but still some difficulty remained, for different persons understood and explained the constitution, in some instances, very differently. There was often, he said, an unavoidable ambiguity and obscurity in words, made use of, to express certain definite ideas. New and unexpected cases would frequently occur. The best definitions would soon need defining; there was no other way therefore, but for every one to investigate and understand the constitution for himself, and to follow that construction, which appeared to him, upon the most careful examination, to be the true and proper meaning.

He said, with respect to the treaty in contemplation, there were many petitions on the table, some in favor and others against its being carried into effect. When the treaty therefore came under the consideration of the house, gentlemen would undoubtedly be able to judge for themselves, with respect to its constitutionality, and the propriety of making appropriations, by comparing it with the constitution; and, by attending suitably to those stipulations which it contained.

[Debate to be continued.]

Tuesday, April 26.

Mr. New, chairman of the committee of enforcements reported a bill for making further provision for supporting Public Credit and for discharging the Public Debt, which received the signature of the Speaker accordingly.

The report of the Secretary of State on the petition of Charles Caldwell for are-payment of a sum of money which he had paid for his ransom from slavery in Algiers, which was in his favor. It was referred to a committee of the whole.

Mr. Hartley presented a petition from 106 citizens of Philadelphia; Mr. Muhlenberg one from 62 citizens of the Northern Liberties; Mr. Kittera from 406 inhabitants of Lancaster; Mr. Isaac Smith 6 petitions from New Jersey, signed by 230 persons; Mr. Crabb one from George Town in Maryland, signed by 400 persons; Mr. Brent one from Alexandria and Fairfax, and Mr. S. Smith read a letter of instruction from 571 of his constituents, all in favor of the British treaty, now under discussion.

Mr. Muhlenberg presented a petition also from the county of Delaware against the treaty, and Mr. S. Smith mentioned his having one from 400 citizens of Maryland, requesting him to exercise his own judgment with respect to the British treaty.

The several petitions were referred to the committee of the whole on the State of the Union.

The house resolved itself into a committee of the whole on the State of the Union, when the resolution being under consideration for carrying the British treaty into effect, Mr. Dwight Foster and Mr. Griswold spoke in favor of it; Mr. Gallatin against it; and Mr. Kitchell delivered his sentiments upon the occasion. He did not approve of the treaty; but thought fewer evils would arise from carrying it into effect, than from a contrary resolution, and therefore expressed his intention to vote for the question before the committee. At the conclusion of Mr. Gallatin's speech, some calls being heard for the question, a division took place for the committee rising, when there were 56 members in favor of it; it of course rose and had leave to sit again.

Mr. Livingston, chairman of the committee for carrying into effect a resolution respecting the son of the Marquis La Fayette, reported that he was arrived in this country, and that he had received the patronage of the President of the United States; that he was in New Jersey for education; and to shew that he had no occasion for pecuniary assistance, the committee subjoined a very well written, affecting letter to the chairman of the committee in answer to one from him, expressive of his gratitude for the kind attention shewn to him by the Legislature of the United States, by the President, and by every person to whom he was made known—that he had no wants; that he was as happy as he could be, considering his separation from his father, and that if he should in future have occasion for assistance, he would apply to Congress, who had been so kind and attentive to his welfare.

Adjourned.

The following is a copy of the Letter addressed to Samuel Smith, Esq. by a Committee of the inhabitants of Baltimore.

Baltimore, April 18, 1796.

SAMUEL SMITH, Esq.

SIR,

WE are charged by a number of our fellow-citizens, your immediate constituents, to communicate the inclosed instructions. We are directed to express their expectation that the instructions accord with your private sentiments, and that there is nothing exceptional in their opinion, or in the form which they have chosen to convey it. They have avoided any consideration of the important questions which have sprung from the Treaty, and agitated so powerfully the House of Representatives; and entertaining no doubt upon the policy and expediency of granting the appropriations, they have expressed their opinion with a precision which they hope will preclude the existence of a doubt as to the conduct to be pursued should you be of opinion they ought to be obeyed.

We are also instructed to declare, that, in the opinion of your constituents who have addressed you, the national honor, peace, and welfare are implicated in the decision to be made by the House of Representatives. And their hope is that you will be guided by the same considerations.

commensurate to the importance of the subject under your consideration.

We are, with due consideration,

Sir,

Your obedient servants,

Edmond Smith,  
James Winchester,  
Nicholas Rogers.

[SIGNED]

To SAMUEL SMITH, Esq.

WE, the subscribers, inhabitants of Baltimore town, apprehensive of the most serious consequences to our country, should the House of Representatives of Congress refuse to make the appropriations, required to give effect to the Treaty of Amity, Commerce, and Navigation, lately concluded with Great-Britain; and desirous to avoid these evils, and preserve the nation from being considered as violators of the public faith, do hereby request and instruct you to exert your abilities, and employ your best endeavours to obtain the necessary appropriations; and to oppose what ever may clog or obstruct their being made in due season, so as to secure the delivery of the Posts by the first day of June, and compensation for the spoliation committed on our commerce.

Signed by 571 inhabitants of Baltimore.

FOR THE GAZETTE OF THE UNITED STATES.

Mr. FENNO,

THE extracts from "Smith's Wealth of Nations" inserted in the Aurora of yesterday, have led me to reflect on their tendency, and to compare the theory of an ingenious gentleman with my own experience.

By those extracts we are cautioned to beware of the "cunning of merchants, master manufacturers, and dealers," who, while they are allowed to have more acuteness of understanding than country gentlemen, "are it is said, more to be depended on when their private interests are in question, than on general questions for the good of society." These very sagacious remarks are accompanied with a side stroke at their supposed want of candor, and finally, we are told that "their interest is often to deceive and even to oppress the public." All I hope to effect by my remarks is to prevent Dr. Smith's opinion from deceiving the public by the efforts of a mere pedantic fit of the spleen.

First, generally, I would observe that by blending merchants, manufacturers, and dealers together, he combined the greater part of his countrymen, by which means he has so far lightened the individual burthen of each person, that he is secured from private resentment, as much so as the divine who tells his audience that "man is born to sin as the sparks fly upwards."

There are honest men of every profession in this country; nor is the Virginia dealer in corn, wheat and tobacco, the manufacturer of pot althes, or of any other article in our country, more disposed to deceive than are the gentlemen of the learned professions. In short, all comparisons and distinctions of this sort are extremely weak and ridiculous; for however an individual planter or dealer may be biased by prejudice at the moment of forming a bargain for the sale of his produce, we are not on this simple ground to hold him up as less qualified to assist in legislation, on great questions for the general good, than either physicians, pastors, or lawyers.

In all great mercantile nations, the general merchant must naturally combine general views when called on to legislate for the good of his country; and as the real characters of men are better known in commercial life than in many others, we are less liable to be deceived perhaps than in any other line of choice, except when party views may disturb the judgment. As no class of men are more liable to feel for the mistakes of the legislature on any, and at every point, no legislature can proceed on safe grounds unless the mercantile interest is considered.

Commerce has changed the whole face of America within little more than a century. From a savage, inhospitable wild, it has become a paradise of plenty. This change has, been the pure effect of enlightening commerce; for the original inhabitants were by nature equally endued with the more sublime qualities of the mind with any men on earth. They were as brave, as jealous of their honor, as full of resentment at injuries, real or imaginary, and as democratically disposed in their public concerns as any persons in the late national assembly of France, or of our political clubs.

But where are they now? precisely where we shall be, when by despoiling and neglecting commerce and the arts of peace, we become a prey to the pure democratic principles of equality, those specious destroyers of every thing divine and human which has exalted us above the beasts of the field.

Let no man then attempt to deride that principle to which we are so much indebted.

Let due portions of each profession fill our councils, and if they are wise, they will be honest men, and bless their country.

CIVIS.

For the GAZETTE OF THE UNITED STATES.

No. XIV.

"Thus a wild Tartar, when he spies  
"A man that's handsome, valiant, wife,  
"If he can kill him, thinks 't inherit  
"His wit, his beauty, and his spirit:  
"As if just to much he enjoyed,  
"As in another he destroy'd."

Hudibras l. ii. 25 a 30

THE unworthy attempts so repeatedly made of late, to rob the Southern States of the honour they so dearly acquired during the late war, have recalled the foregoing lines to recollection. How justly they apply, the public will decide.

I have already in No. XI. offered some observations on the subject; and should have entirely dismissed it, had not "a correspondent," in the Philadelphia Gazette attempted to uphold the assertions I controverted, by classing Pennsylvania among the Northern States. To this classification I might, but shall not object; as it does not, in the smallest degree, affect the position I have laid down.