

NEW THEATRE.

WIGNELL AND REINAGLE,

EVER diligent to vary and improve the Entertainments of the New Theatre, and evince their gratitude for the patronage they have received, respectfully inform the Public, that they have, in addition to their present Establishment, engaged a FRENCH COMPANY of COMEDIANS, who will make their first appearance in this City, to-morrow evening, in two favorite Musical Pieces—the particulars will be advertised in the Bills for the day—previous to which will be performed the comedy of NEXT DOOR NEIGHBOURS. Dec. 16

On FRIDAY EVENING, December 16,

Will be presented,

A COMEDY, in four acts, called

The Child of Nature.

From the French of Madam Genlis, by the author of Every one has his Fault. Marquis of Almanza, Mr. Wignell. Count Valantia, Mr. Moreton. Duke Murcia, Mr. Warren. Seville, Mr. Warrell, jun. Grenada, Mr. Warrell, jun. 1st Peasant, Mr. Cooper. 2d Peasant, Mr. Mitchell. Marchioness Merida, Mrs. Morris. Amanthis, Mrs. Merry.

End of the Comedy, a new Pantomime Ballet Dance, (composed by Mr. Byrne) called

DERMOT and KATHLEEN,

Taken from the favorite opera of the Poor Soldier, and performed with universal applause, upwards of 300 nights, at Covent-Garden Theatre.

Patrick, Mr. Warrell, jun. Darby, Mr. Blissett. Father Luke, Sig. Dozor. Mother Kathleen, Mr. Francis. Norah, Miss Milbourne.

And the parts of Dermot and Kathleen, By Mr. and Mrs. Byrne, being their second appearance in America.

To which will be added, a FARCE, never performed here called

Animal Magnetism.

Marquis de Lancy, Mr. Moreton. La Fleur, Mr. Harwood. Doctor, Mr. Francis. Picard, Mr. McDonald. Francois, Mr. Warrell, jun. Jeffery, Mr. Blissett. Constance, Mrs. Harvey. Lifette, Mrs. Francis.

Box, One Dollar twenty-five cents. Pit one Dollar. And Gallery, half a dollar.

Tickets to be had at H. & P. Rice's Book-Store, No. 50 High-street, and at the Office adjoining the Theatre.

The Doors of the Theatre will open at 5, and the Curtain rise precisely at 6 o'clock.

VIVAT REPUBLICA!

For the benefit of the sufferers

By the late fire at Savannah.

The Citizens of Philadelphia are informed, that

On MONDAY, the 19th instant,

The Elephant will be exhibited,

And the whole receipts of the day, together with a sum of twenty-five dollars from the owner, will be deposited with the Mayor, to relieve the suffering Citizens of Savannah. The owner will attend at the place himself.

Admittance one quarter of a dollar. Generosity is requested. December 16.

LOST,

On Wednesday afternoon, somewhere in Market-street,

A Red Morocco POCKET-BOOK,

Containing, amongst other papers, a draft of M. M. Hayes on Joseph Anthony & Co. at twenty days, for 400 dollars. Whoever has found the same, and will deliver it at No. 5, Chestnut-street, shall receive FIVE DOLLARS reward. December 16

FOR SALE,

Seven elegant Sites for buildings,

Opposite the State-House Garden and Congress-Hall; each Lot being 25 feet front on Sixth-street, and 120 feet deep to a 14 feet Court, agreeable to a plan which may be seen at the Office-House or at the office of Abraham Shoemaker, No. 124, So. Fourth-street, where the terms will be made known. December 16

Dancing.

MR. FRANCIS of the New-Theatre, in conjunction with Mr. BYRN, late Ballet-master, and principal dancer of Covent-Garden Theatre, London, now of the New Theatre in this city, opened their Academy at Mr. Oellers Hotel, on Tuesday, December 13, where they propose to teach, in the most new and approved methods, Dancing in its various useful and ornamental branches.

Mr. Byrn's recent attention to the dances of London and Paris will enable him to complete this branch of education in his scholars in the most finished style. Favorite Scotch reels will also engage their particular attention.

The days of teaching for their young pupils are Thursdays and Saturdays, from three o'clock in the afternoon till five—and on Tuesdays & Thursdays, from six till nine, for those of a more advanced age.

For further particulars enquire of Messrs. Francis and Byrn, No. 70, north Eighth-street. Private tuition as usual. Philadelphia, December 16, 1796.

A Genteel House.

FOR SALE, a new, convenient, three-story HOUSE, situate in Fifth, near Spruce-street. Possession may be had in two months, when it will be finished in a neat modern style. For terms apply at No. 109, Spruce-street, or 109, So. Water-street. December 8.

A Stated Meeting of

The American Philophical Society,

Will be held at their Hall next Friday evening at 6 o'clock; when the annual Magellanic Premium is to be awarded.

The Society are also desired to meet at their Hall, on Saturday next at 11 o'clock, in the forenoon, to proceed from thence to the Presbyterian Church, in High-street, where an eulogium to the memory of their late President, Dr. DAVID RITTENHOUSE, will be pronounced before them at 12 o'clock. Dec. 14.

Old London particular Madeira Wine,

Imported from on board the barque Eagle, Capt. Bates, and for sale by ROBERT ANDREWS, No. 86, South Wharves. November 29.

From the (New-York) Minerva.

THE ANSWER.

THE French republic have, at various times during the present war, complained of certain principles and decisions of its neutrality, or infactions of the treaty made with France in the year 1778. These complaints were principally made in the year 1793, and explanations, which, till now, were deemed satisfactory, were made by Mr. Jefferson's correspondence, in August of that year. They are now not only renewed with great exaggeration, but the French government have directed, that it should be done in the tone of reproach, instead of the language of friendship. The apparent intention of this menacing tone at this particular time, is, to influence timid minds to vote agreeably to their wishes in the election of President and Vice-President, and probably with this view, the memorial was published in the newspapers. This is certainly a practice that must not be permitted. If one foreign minister is permitted to publish what he pleases to the people, in the name of his government, every other foreign minister must be endowed with the same right. What then will be our situation on the election of a President and Vice President, when the government is insulted, the persons who administer it traduced, and the electors menaced by public addresses from these intriguing agents? Poland, that was once a respectable and powerful nation, but is now a nation no longer, is a melancholy example of the danger of foreign influence in the election of a chief magistrate. Eleven millions of people have lost their independence from that cause alone.

What would have been the conduct of the French Directory, if the American Minister had published an elaborate, and inflammatory address to the people of France against the government, reproaching the conduct of those in power, and extolling that of the party opposed to them; they would have done as the Parliament of England did in 1727, when the Emperor's resident presented an insolent memorial to the king, and published it next day in the newspapers. "All parties concurred in expressing the highest indignation and resentment at the affront offered to the government by the memorial delivered by Monsieur Palm, and more particularly at this audacious manner of appealing from the government to the people under the pretext of applying for reparation and redress of supposed injuries." In consequence of an address from both houses Monsieur Palm was ordered to quit England immediately. And is it not necessary that we should adopt some remedy adequate to this evil, to avoid these serious consequences which may otherwise be apprehended from it?

The conduct of the American government to preserve its neutrality, has been repeatedly justified by arguments drawn from the laws of nations; and in the application of its principles, they have gone as far, in every instance, and in one particular instance, farther, in favour of France, than the strict rule of neutrality would justify. It would, therefore, answer no valuable purpose, to state the same principles, and deduce the same consequences, in order to justify ourselves on the same ground that we have already done; but as the reproaches of the French republic are founded on an idea, that our construction and application of the law of nations, is erroneous, partial and inimical; it may be worth while to examine, whether we cannot justify ourselves by the example of the French nation itself. I presume a better rule of justification against any charge, cannot be required, than the conduct of those who have made it, in like cases.

I propose, therefore, to compare the decisions of the American government, in the several points wherein they have been complained of in Mr. Adet's memorial, with the laws of France on the same points.

It is asserted, that the American government has violated the 17th article of the treaty of 1778, by arresting French privateers and their prizes; and that it has exercised shocking persecutions towards them.

It will be found, on an accurate enquiry, that all the prizes brought in under French commissions, that have been restored, have been found to be in one or the other of the following descriptions:

- 1. Those captured within a marine league of the shores of the United States.
2. Where the capturing vessel was owned, and also principally manned, by American citizens.
3. Where the capturing vessel was armed in our ports.

As to the jurisdiction exercised by the United States over the sea contiguous to its shores, all nations claim and exercise such a jurisdiction, and all writers admit this claim to be well founded; and they have differed in opinion only as to the distance to which it may extend. Let us see whether France has claimed a greater or less extent of dominion over the sea; than the United States. Valin, the king's advocate at Rochelle, in his new commentary on the marine laws of France, published first in 1761, and again by approbation in 1776, after mentioning the opinions of many different writers on public law on this subject, says, "As far as the distance of two leagues, the sea is the dominion of the sovereign of the neighbouring coast; and that, whether there be soundings there or not. It is proper to observe this method, in favour of states whose coasts are so high, that there are no soundings close to the shore; but this does not prevent the extension of the dominion of the sea, as well in respect to jurisdiction as the fisheries to a greater distance, by particular treaties, or the rule herein before mentioned, which extends dominion as far as there are soundings, or as far as the reach of a cannon shot—which is the rule at present universally acknowledged." The effect of this dominion, the same author says, "according to the principles of Puffendorf, which are incontestable, is, that every sovereign has a right to protect foreign commerce, in his dominions, as well as to secure them from insult, by preventing others from approaching nearer than to a certain distance." In extending our dominion over the sea to one league, we have not extended it so far, as the example of France, and the other powers of Europe, would have justified.—They therefore can have no right to complain of our conduct in this respect.

The second description of cases, which has induced the American government to restore prizes claimed by the French, is, where our citizens have made a capture under a French commission.

The third article of the ordinances of the marine of France, which the commissions now given to French privateers require to be observed, [Valin, 2 vol. 235.] is as follows:

"We prohibit all our subjects from taking commissions from foreign kings, princes, or states, to arm vessels for war, and to cruise at sea under their colours, unless by our permission, on pain of being treated as pirates." The commentator says, these general and indefinite prohibitions have no exception. They extend to commissions taken from friends or allies, as well as neutrals, and those that are equivocal: and they were considered as necessary consequences of the laws of neutrality.

"If, says Valin, the commission of the foreign Prince be to cruise against his enemies who are our allies, or those with whom we intend to preserve neutrality, it would afford just ground of complaint on their part, and might lead to a rupture." The rule extends as well to subjects domiciliated as not domiciliated in the kingdom, and foreign countries; "for Frenchmen are not the less Frenchmen, for having gone to live in foreign countries." If France may rightfully prohibit her citizens from accepting foreign commissions to make prize of the property of her friends, why should the United States be reproached for exercising a similar right? A necessary consequence of this wise and just prohibition is, that all prizes taken contrary to it should be restored with damages to the party injured.

The third description of prizes restored is where they have been fitted, and armed in the ports of the United States.

I find no direct, positive provision by the marine laws of France, prohibiting this; but the whole tenor of those laws supposed that vessels of war, are armed in the ports of the sovereign who give the commission. French privateers must not only fit out in a French port, but are bound to bring all prizes made by them into some particular port, or ports expressed in their commissions. Valin, 2 vol. 276. And it is certain that the king of France, previous to his alliance with the United States, delivered up some American prizes, to the English, because the capturing vessel had been armed in a French port.

Mr. Adet's memorial charges that the English have been permitted to arm their vessels, and bring their prizes into our ports.

As to this charge, the fact is simply denied. In the cases mentioned, the vessels said to have taken in guns for their defence, were gone, before he made his representation: yet he complained, and the government did nothing. I ask what could they have done? Mr. Adet will answer, they might have declared war, against Great-Britain; and it is certain, this was the only remedy that remained, in such a case: but neither our interest, nor our duty would have permitted us to have adopted it. Our interest did not permit us to give up our neutrality, and engage in a foreign war; the event of which would have produced many and certain evils, and could not by any possibility have produced any good—and it was contrary to every principle by which a just nation would desire to act, to have made war on a whole people, because one or two of them had clandestinely taken arms on board for their defence, in one of our ports, without the knowledge of their government, or of ours.

The memorial complains that we have infringed the 17th article of the treaty of 1778, by restraining the prohibition therein contained only to the ships of war, and privateers of their enemies, who should come into our ports, with their prizes.

The literal sense of the 17th article, is, that no armed ship who shall have made prizes from the French people, shall receive an asylum in our ports. The 22d article says that no privateer, fitted under a commission of the enemy of either, shall have asylum in the ports of the other.—Neither of these articles say any thing of prizes. The literal application of them therefore would exclude the capturing vessels, but give admission to their prizes; which could never have been the intention of the parties. The law of nations, expressly adopted by France, relative to the right of asylum, may illustrate these articles of the treaty. Ord. Louis XIV. Art. XIV. declares, "that no prizes made by captains under a foreign commission, shall remain in our ports, longer than twenty-four hours, unless detained by bad weather, or unless the prize shall have been made from our enemies." But this article, says Valin, is only applicable to prizes carried into a neutral port, "and not at all to armed vessels, whether neutrals or allies, who have taken refuge there, without prizes, either to escape the pursuit of enemies, or for any other cause." They may, in this case remain as long as they please." By the law of neutrality, simply, French prizes could only have remained twenty-four hours in our ports, but by the treaty they have obtained the privilege of remaining as long as they please. This privilege has not only been allowed them in its fullest extent, but we had gone a step further, and as a favor permitted them to sell their prizes, which neither the treaty nor the law of nations required; and which was of more importance than all the rest put together. This favor, as favors generally are, is now claimed as a right, and the withholding it is considered as an injury.—Let us see what the ordinances of the French marine have said on this point. Ord. Louis XIV. Tit. pñies, Art. XV. "If in the prizes brought into our ports by vessels armed under a foreign commission, there be any merchandizes belonging to our subjects, or allies, those belonging to our subjects shall be restored, and the rest shall not be put into any store house, or be purchased by any person under any pretext whatsoever." "And all this," says Valin, is founded on the law of neutrality." By the treaty of Utrecht, Louis XIV. and his grandson, the king of Spain, agreed mutually, to permit the prizes made by one to be brought in, and sold in the ports of the other. But this the same author says, was only a particular arrangement, so much the less to be proposed for a general rule, as the two nations had given up the duties on prize goods sold in their dominions; which however did not last long, on account of the abuses to which it gave rise. Abuses similar, I

presume, to those to which the same permission gave rise in this country.

The next ground of complaint is the British treaty and its consequences. This treaty is said to deprive France of all the advantages stipulated in a preceding treaty; and this is done by an abandonment of the modern law of nations.

If we may credit the declaration of the king of France, there were no exclusive advantages stipulated for France, in that treaty. His ambassador delivered a paper to the British court, dated the 13th of March 1778, wherein, after announcing the treaty between France and the United States, he says, "His majesty declares at the same time, that the contracting parties have paid great attention not to stipulate any exclusive advantages in favor of the French nation: and that the United States have reserved the liberty of treating with every other nation whatever, upon the same footing of equality and reciprocity."

The injury supposed to have resulted from an abandonment of the modern public law, assumes two propositions, neither of which is true: 1st. That neutral ships make neutral property: 2d. That materials for building ships, are not among the articles as considered contraband of war. By the marine laws of France, Reg. Dec. 1744. Art. 5, it is directed that "If there are found on board of neutral vessels, of whatever nation they may be, merchandizes or effects, belonging to the enemies of his majesty, they shall be good prize, even tho' they are not of the growth or manufacture of the enemy's country; but the vessels shall be released." Previous to this regulation, and contrary to the law of nations, as Valin acknowledges, if either the ship or the cargo, or any part of it, was enemy's property, the whole was confiscated, by the laws of France. And at this day, neutral property on board of enemy's ships are, by the same laws, liable to confiscation.

As to contraband of war, timber is enumerated among the articles that are so, by Vattel, lib. III, chap. VII. but Valin is much more particular, 2 vol. 264. "In the treaty of commerce concluded with the king of Denmark, the 23d of August, 1742, pitch and tar were declared contraband: as also rosin, sail cloth, hemp, cordage, masts and timber, for the building of ships. There would have been, therefore, no reason to complain of the conduct of the English, if they had not violated particular treaties; for of right (de droit) these things are contraband at present, and have been so since the beginning of this century, which was not the case formerly."

By the modern law of nations, expressly adopted by France, enemies property on board neutral ships is good prize; and by the same law, the number of contraband articles has been increased so as to include the materials for ship building. All the situations were probably foreseen, in which the treaty might operate favorably or unfavorably for France, at the time it was made. It might have been stipulated that materials for ship building should be deemed contraband, instead of declaring they should not; or, that the United States should not enter into any treaty in which they should be made so. Neither of these being the case, there is no ground of complaint, except that the consequence is inconvenient, at present, to France, and the belligerent powers allied to her. If timber and naval stores are contraband by the law of nations, to declare them to be so by a treaty, cannot be considered as a privilege granted to one nation, or an injury to any other.

[Remainder to-morrow.]

CONGRESS OF THE UNITED STATES.

HOUSE OF REPRESENTATIVES.

Wednesday, December 14.

Continuation of the debate on the address in answer to the President's speech.

Mr. Harper said it was in order to move for a division of this question. The whole of that part of the answer which he had moved to be struck out, in order to introduce an amendment in its place, was personal to the President: the preceding clause, which the gentleman from Virginia (Mr. Giles) included in his motion had respect to the situation of the country, and contained several objects of general concern, and therefore altogether different from the other. Many gentlemen might wish to retain one and to strike out the other. He should wish the sense of the committee to be taken on striking out the first paragraph, "When we advert," &c. He presumed this paragraph would not be struck out. It related to the situation of the country in general; to the grateful sense we entertain of its happy state; and of the influence our constitution has had in producing this prosperous situation. And he would ask whether this had not been the case? There might be different opinions. Some persons might think that the trifling derangements which had taken place amongst our merchants, might lessen the prosperous scene; others might think that such circumstances would occur in the most flourishing state of a country. But was there any man who did not believe the United States enjoyed happiness and prosperity? That commerce and agriculture did not flourish; that the laws did not reign, and that the country held out a pleasing and delightful prospect? He would ask, whether any person would deny that our government had brought about this situation of things? Would any man say, that if that government had not been established, or something like it, this happiness would have been enjoyed? He believed not. Mr. Harper then took a view of the miserable situation of this country before the establishment of the present government, and made a contrast between the two situations. If, then, said he, these advantages have been really enjoyed, where is the impolicy of saying so? What implication is there in this against the measures of gentlemen, which, if they had been acted upon, might have produced (though he was far from believing they would have done so) more happy effects? Was it calling upon them to contradict their former opinions? No. They see the happiness exist, and whence did it arise but from go-