parts of the union, yet such is the public favor attending the transaction which commenced by the negotiation of this treaty, and which I hope will terminate in our full, undisturbed and undisputed possession of the ceded territory, that I firmly believe if an amendment to the constitution, amply sufficient for the accomplishment of every thing for which we have contracted, shall be proposed, as I think it ought, it will be adopted by the legislature of every state in the union. We *can*, therefore, fulfil our part of the conventions, and this is all that France has a right to require of us. France never can have the right to come and say—"I am discharged from the obligation of this treaty, because your president and senate in ratifying it, exceeded their powers,"—for this would be interfering in the internal arrangements of our government. It would be intermeddling in questions with which she has no concern, and which must be settled altogether by ourselves. The only question for France is whether she has contracted with the department of our government, authorised to make treaties; and this being clear, her only right is to require that the conditions stipulated in our name be punctually and faithfully performed. I trust they will be so performed, and will cheerfully lend my hand to every act necessary for the purpose. For I consider the object as of the highest advantage to us; and the gentleman from Kentucky himself, who has displayed with so much eloquence the immense importance to this union, of the possession of the ceded country, cannot carry his ideas further on that subject than I do.

With these impressions, sir, perceiving in the first objection no substantial reason, requiring the postponement, and in the second no adequate argument for the rejection of this bill, I shall give my vote in its favor.

Mr. Nicholas. Mr. President, so much has been said upon this subject that but little remains for me to say, as I mean to confine myself to a few observations that I have not heard made by others. It is extraordinary that arguments to shew the unconstitutionality of the treaty, should be addressed to the senate, to prevent its execution, after two-thirds of this body have advised and consented to its ratification. The motive for this must be what was suggested by the gentleman from S. Carolina; an expectation of making impressions unfavorable to the treaty; and that, after the full discussion that has been had, the friends of the treaty, would not deem it necessary to refuse arguments so unseasonably repeated. The gentlemen on the other side differ among themselves. The two gentlemen from Delaware say, that if peaceable possession is given of Louisiana this bill ought to pass, the other gentlemen who have spoken in opposition to it, have declared, that if they believed the constitution was not violated by the treaty, they should think themselves bound to vote for the bill. To this senate it cannot be necessary to answer arguments, denying the power of the government to make such a treaty; it has already been affirmed so far as we could affirm it, by two-thirds of this body; it is then only now necessary, to shew that we ought to pass the bill at this time. In addion to the reasons which have been so ably and forcibly urged by my friends, I will remark, that the treaty making power of this government is so limited that engagements to pay money cannot be carried into effect without the consent and co-operation of congress.—This was solemnly decided after a long discussion of several weeks, by the house of representatives, which made the appropriations for carrying the British treaty into effect, and such I believe is the understanding of nine-tenths of the American people, as to the construction of their constitution. This decision must also be known to foreigners, and if not, they are bound to know the extent of the powers of the government with which they treat. If this bill should be rejected, I ask gentlemen whether they believe, that France would or ought, to execute the treaty on her part. It is known to the French government, that the president and senate cannot create stock, nor provide for the payment of either principal or interest of stock; and if that government should be informed that a bill, authorising the issue of stock to pay for the purchase, "*after possession shall be delivered*," had been rejected by the only department of our government competent to the execution of that part of the treaty, they would have strong ground to suspect, that we did not mean to execute the treaty on our part; particularly when they are informed, that the arguments most pressed in opposition to the bill, were grounded upon a belief that the government of the United States had not a constitutional power to execute the treaty. Of one thing I am confident, that if they have the distrust of us which some gentlemen have this day expressed of them, the country will not be delivered to the agents of our government, should this bill be rejected.

The gentleman from Connecticut, finding himself unable to combat or refute the able and ingenious exposition of the 3d article of the treaty given by my colleague, has attempted to lessen the force of his observations by representing him as having given a construction to the constitution, by which the treaty-making power is rendered omnipotent. This is an artifice often practised. But in this instance as in all others, it must fail of producing the intended effect with such an assembly as this. The gentleman from Massachusetts had read and commented on the constitution in such a manner as to make an impression, that it was declared in the 6th article, that the constitution, the laws of the United States, and all treaties made or to be made in pursuance thereof, shall be the supreme law of the land. My colleague shewed that the constitution had not been correctly quoted, and stated that the expression of the constitution was "all treaties made or to be made under the authority of the United States," that the legislative power was defined, and that the treaty-making power was not defined, tho' not unlimited; and this is evident and palpable; for if the treaty making power is trammeled in the manner that some gentlemen now contend it is, why declare that the laws made in pursuance of the constitution and all treaties made or which shall be made under the authority of the United States are the supreme laws of the land? The reason is obvious, the legislative power is limited in a manner that it was neither intended, nor was it practicable to limit the treaty-making power. The power of legislation was only meant to be given for certain and particular purposes; all other legislative powers were reserved to the states, whereas the whole treaty-making power of the nation was vested in the president, to be exercised with the advice and consent of the senate. To refute the arguments of my colleague, it is necessary to shew, that the powers of the president and senate in their treaty-making capacity, are defined and limited, either by special grants of power which exclude powers not given, or by particular reservations. Upon an examination of the constitution it will be found that the powers are neither specified nor are there any reservations. But it must not be inferred from this, that we believe the treaty-making power is unlimited. The constitution imposes particular and general limitations upon the powers of the government of the United States. No department of the government can do any of the things that are prohibited by the constitution. Nor would they be justifiable in not doing what is positively enjoined upon them to do. I do not believe therefore that the president and senate would cede a state or any part of a state, because our common defence was one of the great purposes for which the government was formed, and because the constitution guarantees to every state in the union a republican form of government, and engages to protect each of them against invasion.

If the special grants of power to congress are to be considered as limitations of the treaty making power, the power of making treaties does not substantially exist in this government; and if our time would permit it, I would shew that a commercial treaty cannot be formed, without interfering with the power given to congress to regulate commerce, lay and collect duties, imposts, &c. and that no other treaty can be formed that will not require an engagement for the payment of money, or, in one way or other the exercise of one or more of the powers vested in congress. To make ours a practicable government, it must be understood that the treaty making power may negociate respecting many of the subjects upon which congress may legislate, but that congress are not bound to carry into execution such compacts (where an act of theirs is necessary to give them effect) unless they approve of them. And this must be fully understood by all nations with whom such compacts may be formed. Upon every other subject proper for a national compact, not inconsistent with our constitution, and under the limitations by me stated, a treaty may be negociated and absolutely concluded by the treaty making power, so as to bind the nation.

The gentleman from Connecticut (Mr. Tracy) must consider the grant of power to the legislature as a limitation of the treaty making power, for he says, "that the power to admit new states, and to make citizens, is given to congress, and not to the treaty making power"—therefore an engagement in a treaty to do either of these things is unconstitutional. I cannot help expressing my surprize, at that gentleman's giving that opinion, and I think myself justifiable in saying, that if it is now his opinion, it was not always so. The contrary opinion is the only justification of that gentleman's approbation of the British treaty, and of his vote for carrying it into effect. By that treaty a great number of persons had a right to become American citizens immediately; not only without a law, but contrary to an existing law.—And by that treaty many of the powers specially given to congress, were exercised by the treaty making power. It is for gentlemen who supported that treaty, to reconcile the construction given by them to the constitution in its application to that instrument with their exposition of it at this time.

If the third article of the treaty is an engagement to incorporate *the territory* of Louisiana into the union of the United States, and to make it a state, it cannot be considered as an unconstitutional exercise of the treaty making power; for it will not be asserted by any rational man that the territory is incorporated as a state by the treaty itself; when it is expressly declared that "the inhabitants shall be incorporated into the union of the United States, and admitted as soon as possible, according to the principles of the federal constitution." Evidently referring the question of incorporation, in whatever character it was to take place, to the competent authority; and leaving to that authority, to do it, at such time, and in such manner as they may think proper. If, as some gentlemen suppose, congress possess this power, they are free to exercise it in the manner that they may think most conducive to the public good. If it can only be done by an amendment to the constitution, it is matter of discretion with the states whether they will do it or not; for it cannot be done "*according to the principles of the federal constitution*," if the congress or the states are deprived of that *discretion*, which is given to the first, and secured to the last by the constitution. In the third section of the fourth article of the constitution it is said, "new states may be admitted by the congress into this union." If congress have the power, it is derived from this source; for there are no other words in the constitution that can by any construction that can be given to them, be considered as conveying this power. If congress have not this power, the constitutional mode would be by an amendment to the constitution. If it should be conceded then that the admission of this territory into the union, as a state, was in the contemplation of the contracting parties, it must be understood with a reservation of the right of this congress, or of the states to do it, or not: the words "admitted as soon as possible," must refer to the voluntary admission in one of the two modes that I have mentioned; for in no other way can a state be admitted into this union.

[*Debate to be continued.*]

ALEXANDRIA, November 25.

Extract from the log-book of the sch'r Eleanor, captain Barry, arrived yesterday, from Turk's-Island.

Left at Turk's-Island, Oct. 27, sloop Sally, captain Erven, of Norwalk, from Antigua, and for New-York, in 2 days; schooner Hope, captain Roath, of Norwich, from Antigua, and for New-York, in 2 days; captain Luten, of schooner ——, from Montserrat, for Edenton, in 2 days; the sloop Black Bird, of Bermuda, captain Patton, for New-York, in two days.

Came out in company with the brig Neptune, of New-York, from Barbados and Dominico, and for New-York.

November 14, spoke the schooner Volunteer, of Fredericksburg, 20 days from Martinico. The captain informed that a few days previous to his sailing from Martinico, the republican schooner Experiment, formerly belonging to the United States, captured and brought into Martinico, a sloop of war brig belonging to his British majesty.

BY THIS DAY's MAIL.

MARBLEHEAD, November 16.

Arrived, brig Philanthropic, Dennis, Bilboa, 43 days. October 3, spoke brig Sarah, of Philadelphia, going up the river from Bordeaux. October 12, lat. 44, 8, long. 22, 30, spoke ship Minerva, Hall, from Buenos-Ayres, out 12 weeks, then in possession of an English cutter, by whom she had been fired into, and her people all taken from on board her, and individually abused.

Several Spanish vessels were taking in wool, at Bilboa. This information capt. Dennis gave the commander of the cutter, and supposes it occasioned the Minerva's release.

Thirty thousand French troops were at Bayonne, supposed at Bilboa, to be preparing to attack Portugal.

BOSTON, November 17.

Arrived, General Greene, Charleston; Levant, Savannah; Mercator, Edenton; Adams, Bullock, Wilmington; Rover, Richmond; Fair-Play, do. Shepherdess, Baltimore; Lark, do. Vandyck, do. Elizabeth, Alexandria; Relief, Norfolk; Eliza, Richmond.

Cleared, Nine Sisters, Summons, Edenton; Sally, Jones, do. Adams, Prior, Norfolk; Experiment, Higgins, Baltimore; Samuel, Taylor, Alexandria; Hazard, Chase, Fredericksberg; ships Charles, Hubbard, India; Olive, Storer, West Indies; Galen, Hinckley, London; Columbine, Turner, Bordeaux; brigs Sally and Betsy, Ingersol, ditto; Gannet, Stone, Pool; Success, Rogers, Alicant; Neptune, Burgh, Shelburne; Snake, Cockrno, St. Johns; schooners Amazon, Lincoln, Nantz; Argo, Webber, Annapolis; Brazeil, Card, Windsor; Mary Helen Elizabeth, Card, Windsor; Fanny, Hilton, Yarmouth; Experiment, Forbes, Havanna; Patty, Williams, Surinam.

NEW-YORK, November 26.

Extract of a letter from Cadiz, dated October 10.

"Business is here very dull & no freights, in consequence almost all the Danes and Swedes that are here are loading salt for Galicia. By the last post we have accounts of the sickness being at Malaga, from 40 to 50 die every day, in consequence of which the governor has stopt all communications. American produce very dull—flour 9 to 9 1-4 dollars; staves no demand, as no shipments of wines are now made for England; beef 9 to 10; beeswax 40; bales reals 50 per cent. under par."

The following vessels arrived at Gibraltar previous to the 24th of September:—The American brig Fame, Nicholson, in 163 days from Batavia, with sugar, pepper and coffee, for Leghorn; the ship Port Mary, Collins, from Hull for Messina; brig Hazard, Herod, from Naples for Newburyport; ship Birmingham, Lewis, from Leghorn for Baltimore; ship Adelaide, Man, from Malaga for Baltimore; ship Phoebus, Hutchinson, from Malaga for Philadelphia; and brig Minerva, Campbell, 42 days from Charleston for a market.

Arrived since our last,

Ship American Eagle, Merry, in 46 days from Teneriffe. Left no American vessels. October 26, in lat. 23, spoke the schr. Ambition, Tilton, of New-York, in co. with schr. Mathias and Ralph, from Hartford, both for Barbados. November 6, lat. 31, 50, spoke brig Enterprize, Bradberry, from Kennebeck, bound to St. Kitts, out 6 days. November 9, lat. 33, 33, spoke schooner Weasle, Hubbard, from this port, bound to Hispaniola.—13th, lat. 37, spoke brig Friendship, from Jamaica, of and for New-York.

The Eagle sent her boat aboard of the Friendship with three men; wind blowing fresh, and the sea heavy, the boat stove, and the Eagle could not get her men. November 21, lat. 37, 34, spoke sloop Abigail, Austin, from Hartford bound to Philadelphia, out 6 days.

Brig Twins, Crow, in 26 days from Falmouth (J.) Off Havanna was boarded by a French privateer, and treated politely. Left ship Ceres, just arrived from Newbern, N. C. expected to sail in 20 days for Charleston. Six days out, spoke brig Integrity, Funk, from Savanna-la-Mar, for this port.

Sch'r Resolution, Betner, 6 days from Newbern N. C.

PHILADELPHIA, Nov. 28.

Arrived, ship Fabius, Hutchison, Barcelona and Gibraltar; schooner Mount Hope, Bennet, Rhode-Island, 10 days; sloop Abigail, Austin, do. 11.

Cleared, ship Pigou, Collet, London; Diana, Mingle, Antwerp; Annawan, Briggs, Oporto; brig Hiram, Toby, N. Orleans; schooner Jane, Pearson, Richmond; Friends, Basset, Boston; Industry, Taggart, Barracoa; Intrepid, Kennedy, Cork; sloop Patient Sally, Fisher, Alexandria.

The Factor, from Greenock, arrived at New-York, brings further accounts of the active preparations making in Scotland against the expected invasion. The whole country was under arms and constantly employed in military exercises. The London accounts by her are not later than those already received, but it was reported at Greenock when she sailed, that a packet had just arrived at Falmouth, from Portugal, with accounts that a French army was in full march to attack them, and that the packet had brought all jewels belonging to the crown of Portugal to England for greater security.

Colonel Charles Williamson, of the Genessee country, came passenger in the Factor.

FEDERAL GAZETTE.

TUESDAY, *November* 29.

The brig Polly, Dedison, has arrived at Portland, in 22 days from Alexandria.

Married in Harford county, on Thursday evening, by the Rev. Mr. Allen, Mr. *Samuel Winchester*, merchant of this place, to Miss *Eliza Gover*.

It was some time ago reported (says a Georgia paper) that captain Lewis, private secretary to Mr. Jefferson, had been appointed to visit Louisiana, and explore that vast, and partly unknown, region of America. We can now inform our readers, that this gentleman, accompanied by capt. Clark, has set out on this important mission. They passed lately through Tennessee, on on their way to the Mississippi. Besides those two gentlemen, who, we understand, are highly qualified for an undertaking of this kind, the party consisted of about twenty soldiers, in the guise of hunters, having a number of pack-horses for the transportation of provisions, arms, &c. with a portable boat, on a new and curious construction. The first object with these travellers, we hear, is, to proceed to the source of the Missouri, and thence to endeavor, by following the course of some great river, to reach the pacific ocean. This, no doubt, is an expidition of great difficulty and hazard, at the same time, if successful, as we wish it may, of great national importance.

The following letter was written by one of the Swiss Cantons to Philip the Third of Spain, in consequence of some *threats* of invasion which that monarch made against them:—

"One of your majesty's ancestors sent 80,000 of his subjects to pay us a visit—they staid but a *short time* amongst us, and when they *departed, forgot* to take their *bones* with them."

The legislature of Tennessee have purchased the patent right of the Saw Gin, from Messrs. Miller and Whitney, for that state; and have laid a tax of thirty-seven and an half cents per saw, per ann. on each gin for 4 years. [*Augusta Centinel.*]

Notice to Mariners.

Last week the Low-Light on the Spurn Point, unfortunately took fire in the night, and was burnt down. A light will continue to burn on one of the sand-hills until a new one is erected. [*London paper.*]

From Bryden's Marine List.

November 28.

Arrived, sch'r Federal George, Field, from Boston—sundries—different persons.

Letter-Bags at Bryden's Coffee-House:

Fame, Liverpool, 1st December
Six Sisters, Londonderry,
Œlbaum, Embden,
Hanseatische Bund, ditto.

Post-Office,

Baltimore, Nov. 26, 1803.

Letters for the British packet Prince Adolphus (for Falmouth direct) will be received at this office until 6 o'clock P. M. on Sunday the 4th December.

C. BURRALL.

P. S. The inland postage to New-York must be paid on all letters for the packet.

To Rent,

A NEAT two-story brick HOUSE, near the corner of Market and Liberty-streets, next door to Mr. Mickle's; this tenement is well calculated for a merchant's counting-house, small store or mechanical business. For terms, enquire of

HEZEKIAH CLAGETT.

November 29. d10t

Sale by Auction.

On Thursday next,

The 1st December, at 10 o'clock, will be sold at our auction room, head of Gay-street dock, on 90 days credit,

15 bales East-India Goods,

Consisting of Mugga Mamoodies, Joydepore do. Chittibully and Comercally Bastas, Burboon and Catwa Gurrahs.

Also,

2 cases India Sewing Silk
1 do. cold India Satins.

LEMMON & CAMPBELL, Auct's.

November 29.

John and James Roberts,

No. 230, Market-street,

Have just received and offer for sale on reasonable terms,

4000 wt. SNAKE ROOT,
3500 wt. GINSENG.

November 29. d10t

For Sale,

The time of servitude of a young hearty WOMAN, who understands plain cooking and house work. Is sold entirely for want of employment. Enquire of the printers.

November 29. 1aw3t

Wanted

In a dry goods store, a Youth of good connexions, of 14 or 15 years of age. Enquire of the printers.

November 29. d3t

For Sale,

A beautiful breeding MARE, 6 years old, possessing every kind of gait, and goes remarkably easy. Enquire at the stable of Mr. M'Ever, in Gay-street.

November 29. d3t

Just Received,

By the Federal George, from Boston,

162 boxes mould CANDLES } From the manufactory of Sampson & Co.
100 do. brown SOAP }

For sale by

A. RICHARDSON & Co.
No 31, Market-street.

November 29. d4t

Thomas Hawthorn,

No. 11, Calvert-street,

HAS JUST RECEIVED,

A few boxes of 7-8 and yard wide LINEN, which he will dispose of on reasonable terms for cash or approved notes.

N. B. A few pieces of very fine LINEN, fit for private families.

November 29. d

Ennion Williams & Co.

No. 78, Baltimore-street,

Have received from the manufactory, Rhode-Island,

An additional supply of country made Bed Ticken and Spun Cotton.

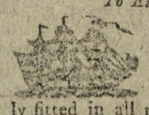
Also on hand,

An extensive assortment of Dry Goods, which they mean to sell at a low advance, by the piece or retail.

November 29. eo6t

For Freight or Charter,

To Europe or the West-Indies,



The Brigantine
THOMAS JEFFERSON,
Egbert Vanbueren, master,

Burthen 1300 barrels, completely fitted in all respects, and ready to receive a cargo. For terms apply to the master on board, Smith's dock, or

HUGH THOMPSON.

November 29. d6t

For Sale, Freight or Charter,

The Brig
WILLIAM,
Captain Hadskis,

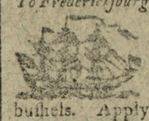
Burthen about 1500 barrels, well found, and ready to take in a cargo. For terms apply to the captain on board, lying at Pannell's wharf, Fell's-Point, or at No. 30, Philpot-street, or to

HENRY HOLDEN, Smith's wharf.

November 29 eo8t

Freight

To Fredericksburg & Falmouth, (Virg.) WANTED,



For the Schooner
PATRIOT,
Captain Wm. Hodson,

Burthen of from 24 to 2500 bushels. Apply at No. 26, Cheapside, to

JAMES CORRIE,

Who offers for sale,

700 barrels Susquehannah Herrings, in shipping order—the greater part of which were filled up and imported this month.

Also, 4000 bushels old Corn in store.

And wants to purchase,

Four Shares in bank Baltimore Stock. Apply as above.

J. C.

November 29. eo

Dissolution of Partnership.

THE partnership heretofore existing under the firm of Alley and Fimister, is this day dissolved by mutual consent. All claims against the said firm are to be presented to Amos Alley for payment; and those indebted will please to make payment to him, he being duly authorised to settle the business.

AMOS ALLEY,
ALEX. FIMISTER.

The business will be continued at the same stand, No. 35, Market-street, by Amos Alley, who has on hand, a general assortment of SHOES, and is daily expecting fresh supplies from New-York, Boston, &c.

N. B. Country merchants supplied on the lowest terms for cash or approved paper.

Also received,

About 100 barrels of Rhode-Island PIPPINS.

11th mo. 29. d3t-eo12t

New Theatre.

☞ The public are respectfully informed, that the theatre will close for this season, on Thursday, the 8th of December.

To-Morrow Evening, November 30,

Will be presented, an admired Drama, in five acts, called

The Castle Spectre.

Osmond, Mr. Rutley.

From the Boston and Charleston Theatres, his first appearance on this stage.

To which will be added, a favorite farce, in two acts, called

Who's the Dupe.

November 29.

Notice.

THE public are cautioned against receiving any transfer or assignment of *two notes of hand*, granted by the subscriber on or about the 6th day of May last, to John Willis, of Oxford, payable seven months after date; one note for 538 dollars and 12 cents, and another for 538 dollars and 13 cents, as the same will not be paid, for reasons that may be known by applying to

CHRISTOPHER JOHNSTON

November 28. d3t--eo