

A message was received from the Senate, informing the House, that they had concurred in their vote of the 28th of May—by which every member is to be furnished with a complete set of the Journals of the late Congress.

Mr. WHITE observed, that the subject of amendments was of very extensive importance—he supposed that the House could not, with any propriety, defer their consideration any longer; for although the Constitution had been so generally ratified, yet it was evident, that alterations and amendments were expected by perhaps a majority of the people at large.

Mr. SMITH (S. C.) then introduced a proposition, for the appointment of a select committee, to take the business into consideration, and report.

Mr. PAGE was in favour of a committee of the whole, and urged the propriety of commencing the enquiry without any further delay, as a measure that would be productive of very happy consequences.

M. VINING was opposed to the measure for several reasons—the incompleteness of the revenue and judiciary systems;—these, he urged, ought to be finished previous to a discussion of amendments: The judiciary system may provide a remedy for some of the defects complained of—and without giving the Constitution any operation, it was impossible to determine what were defects, or not—and what alterations were necessary.—He further observed, that he conceived it necessary, previous to any discussion of the subject, that it should be ascertained whether two-thirds of the House and Senate were in favour of entering upon the business—he supposed that the voice of two thirds were as requisite to sanction the expediency of the measure, as they were to the adoption of amendments.—He was fully of opinion, that experience alone, could ascertain the real qualities of the Constitution.—The people are waiting with anxiety for the operation of the Government—What has Congress done?—Have they passed a revenue law?—Is not the revenue daily escaping us?—Is it not of immense consequence to complete the system?—Let us not perplex ourselves, by introducing one weighty and important question after another, till some decisions are made: This mode of introducing one piece of business, before a former one is completed, tends to confuse the mind, and incapacitate it from doing full justice to any subject.—He hoped, therefore, that the House would not go into a committee of the whole upon this business.

Mr. MADISON conceded to the motion for choosing a select committee.—He then observed, That he thought it would be attended with salutary effects, should Congress devote, at the present time, so much at least as one day to this business, to convince the world, that the friends of the Constitution were as firm friends to liberty as those who had opposed it: The advocates for amendments are numerous and respectable—some alteration of the Constitution lays with great weight upon their minds—they merit consideration.—He urged the expediency of the measure, from the situation of Rhode-Island and North-Carolina.—He had no doubt that it would conciliate them towards the Union, and induce them to unite, and again become branches of the great American Family.—He was, he observed, in favour of sundry alterations, or amendments, to the Constitution—he supposed that they could be made without injury to the system.—He did not wish a reconsideration of the whole—but supposed that alterations might be made, without effecting the essential principles of the Constitution, which would meet with universal approbation;—these he would propose should be incorporated in the body of the Constitution.—He then mentioned the several objections which had been made by several of the States, and by people at large:—A bill of rights has been the great object contended for—but this was one of those amendments which he had not supposed very essential.—The freedom of the press, and the rights of conscience, those choicest flowers in the prerogative of the people, are not guarded by the British Constitution:—With respect to these, apprehensions had been entertained of their insecurity under the new Constitution; a bill of rights, therefore, to quiet the minds of people upon these points, may be salutary.—He then adverted to the several bills of rights, which were annexed to the Constitutions of individual States;—the great object of these was, to limit and qualify the powers of Government—to guard against the encroachments of the Executive.—In the Federal Government, the Executive is the weakest—the great danger lies not in the Executive, but in the great body of the people—in the disposition which the majority always discovers, to bear down, and depress the minority.

In stating objections which had been made to affixing a bill of rights to the constitution, Mr. MADISON observed, that objections to a continental bill of rights applied equally to their adoption by the States.—The objection to a bill of rights, from the powers delegated by the Constitution, being defined and limited, has weight, while the Government confines itself to those specified limits; but instances may occur, in which those limits may be exceeded, by virtue of a construc-

tion of that clause empowering Congress to make all necessary laws to carry the Constitution into execution.—The article of general warrants may be instanced.—It has been observed, that the Constitution does not repeal the State bills of rights;—to this it may be replied, that some of the States are without any—and that articles contained in those that have them, are very improper, and infringe upon the rights of human nature, in several respects.—It has been said, that bills of rights have been violated—but does it follow from thence that they do not produce salutary effects: This objection may be urged against every regulation whatever.—From these, and other considerations, Mr. Madison inferred the expediency of a declaration of rights, to be incorporated in the Constitution.

Mr. MADISON further observed, That the proportion of Representatives had been objected to—and particularly the discretionary power of diminishing the number.—There is an impropriety in the Legislatures' determining their own compensation, with a power to vary its amount.—The rights of conscience; liberty of the press, and trial by jury, should be so secured, as to put it out of the power of the Legislature to infringe them.—Fears respecting the judiciary system, should be entirely done away—and an express declaration made, that all rights not expressly given up, are retained.—He wished, that a declaration upon these points might be attended to—and if the Constitution can be made better in the view of its most sanguine supporters, by making some alterations in it, we shall not act the part of wise men not to do it.—He therefore moved for the appointment of a committee, to propose amendments, which should be laid before the Legislatures of the several States, agreeably to the 5th article of the Constitution.

Mr. JACKSON observed, That the Hon. Gentleman's ingenious detail, so far from convincing him of the expediency of bringing forward the subject of amendments at this time, had confirmed him in the contrary opinion: The prospect which such a discussion opened, was wide and extensive, and would preclude other business, of much greater moment, at the present juncture.—He differed widely from the Gentleman, with regard to bills of rights—several of the States had no such bills—Rhode-Island had none—there, liberty was carried to excess, and licentiousness triumphed.—In some States, which had such a nominal security, the encroachments upon the rights of the people had been most complained of.—The press, Mr. Jackson observed, is unboundedly free—a recent instance of which the House had witnessed in an attack upon one of its members.—A bill of rights is a mere *ignis fatuus*, amusing by appearances, and leading often to dangerous conclusions.—I repeat it, Sir, the present is not the time to bring forward amendments—they must be speculative and theoretical in the very nature of things, and may themselves be the subjects of future amendments.—This consideration points out in the clearest manner, the propriety of waiting the result of experiment, to determine the merits of the Constitution: To that let us refer the subject, and not waste our time in useless speculations.

Mr. GERRY thought it unnecessary to go into a committee of the whole upon this subject at the present moment.—He did not think such a step necessary to satisfy the people, who are fully sensible that Congress is now engaged in the great objects of the government—he wished however, that as early a day as possible, might be assigned, that the mode of another convention might not be thought of—in which we might lose the most essential parts of the constitution—he observed, that he was not a blind admirer of the system, there were defects as well as beauties in it—but as it was now become the constitution of the Union, he conceived, that the salvation of the country depended upon its establishment, amended or not.—He was further in favor of an early day, on account of North-Carolina and Rhode-Island, as the accession of these States to the Union was very desirable, and good policy dictated that every proper step should be taken to expedite that event.—He was opposed to referring the matter to a select committee—as derogatory to the dignity of the States—he conceived the whole of the amendments proposed by the several conventions should come immediately before the House.—The faith of Congress ought to be considered as pledged to take up this business upon the most extensive scale.—He moved therefore, that all the various propositions for amendments should be referred to a committee of the whole, and that an early day be assigned to go into a full investigation of the subject—and proposed the first Monday in July.

Several other gentlemen spoke upon the subject, when Mr. MADISON arose and withdrew his last motion for a select committee, and then submitted to the House a resolve comprizing a number of amendments to be incorporated in the constitution, these he read for the consideration of the House.

Mr. LIVERMORE was opposed to this resolve—he conceived it entirely improper for any indi-

vidual member to propose any particular number of amendments, which do not take up the different amendments proposed by the several States.

Mr. PAGE and Mr. LEE severally rose to justify Mr. Madison, they thought themselves under great obligations to him, and conceived that the mode he had adopted was just and fair—and calculated to bring the attention of the House to a proper point in determining the subject.

Mr. MADISON observed, that it was necessary the subject should be brought forward in some form or other—after waiting a considerable time for others to do it—he had thought proper to propose the form, now submitted to the House—newspapers and pamphlets were the repositories of the several amendments—those were not the proper sources—the resolve is now before the House, and they may do what they think proper with it.

Mr. LAWRENCE moved, that the resolve introduced by Mr. Madison, should be submitted to the consideration of a committee of the whole on the state of the Union.

Mr. BOUDINOT proposed a select committee to consist of a member from each State.

After a few more observations the motion of Mr. Lawrence being put was carried in the affirmative.—The House then adjourned.

TUESDAY, JUNE 9, 1789.

House met pursuant to adjournment.

Upon motion it was voted, that this day fortnight the House will resolve itself into a committee of the whole, to take into consideration the report of the committee respecting the enrollment, attestation, &c. of the acts of Congress.

It was moved, that the rule of the House which enjoins a division of the members, in case of doubt as to the decision of any question, should be amended, by saying, that the members in the affirmative should sit in their places, and stand till counted—this motion obtained.

The House then resolved itself into a committee of the whole, and resumed the bill on the collection of the revenue.

Ports of delivery under consideration.

Previous to making any further nomination of such ports—it was moved, that the shores, bays, rivers, creeks and harbours, be divided into as many districts as there are ports of entry in the United States.—This motion after a discussion was adopted.

It was moved to insert a clause, whereby masters of ships and other vessels loaded with goods, wares, and merchandise, and bound into the United States from any foreign port, should be obliged to produce duplicate manifestos of their respective cargoes, to any officers of the customs that may demand the same, previous to their entering the ports of destination.

This motion gave rise to a lengthy conversation which terminated in withdrawing the motion.

It was then voted, that a COLLECTOR, a NAVY OFFICER, and a SURVEYOR should be appointed for each of the following ports, viz. Boston, New-York, Philadelphia, Baltimore, Norfolk and Portsmouth, Alexandria, Virginia; Georgetown in Maryland, Charleston, South-Carolina, and Savanna.—The committee then rose and the House adjourned.

NEW-YORK, JUNE 10, 1789.

It is indeed a substantial right, that all the laws of the country should be made by representatives chosen by the great body of the people. In this the body of the people have strong hold of government. If they will always keep good hold of this right, and use it properly, the government will be free and happy. If they will be faithful to themselves and their country, in always turning out and choosing the most honest and able men they have for their representatives, their rights and liberties will be well secured, and there is no danger but the government will go on well. It should be felt as one of the most important and conscientious duties, to be honest and faithful in the choice of their representatives. But if the body of the people will stay at home at such times, and suffer men who have nothing but self interest at bottom, to push forward and get to be the law makers of the land, the new constitution will be no better than the old. One easy maxim well followed, will now keep us all safe, let every man that has a right to vote, make a point always to attend every election, and impartially vote for such, as he thinks most honest and most able to serve their country.

There is one advantage which we may promise ourselves from the thorough investigation of the Revenue System—it will come forth at last in greater perfection.

Perhaps there is no part of legislation so difficult as to devise the most easy and acceptable methods of raising the necessary revenue from the pockets of the people: all wise and patriotic rulers are as solicitous to adjust the public burdens upon the scale of equity, as they are to realize sufficient funds for the support of just government.

Extract of a letter from Boston, dated June 4, 1789.

"There has been three important seizures of goods, made by the revenue officers, within these few days. This will pave the way for an efficient execution of the new laws."

"Since sealing the letter, I am credibly informed, that a motion has been made, in the General Court, by Mr. HENSHAW, that a joint Committee be appointed to prepare an address to the President of the United States, congratulating him on his appointment—expressing the attachment of the Legislature to his person—and their intention to give every assistance to his exertions for promoting the common good, agreeably to the Federal Constitution. The motion being seconded, passed in the affirmative unanimously. Mr. HENSHAW, Dr. JARVIS, and Mr. MASON were chosen on the part of the House."

There have arrived in this port since Friday last, upwards of 30 sail of vessels.

In our paper of 30th ult. we gave an extract from the instructions of the Duke of Orleans: The sketches handed us on Saturday, do not correspond with them—we therefore request some satisfaction as to their genuineness, before they appear.