

by equally as good authority.—I am not however very solicitous about the mode, so long as the business is fully attended to.

Mr. SMITH, (S. C.) agreed with Mr. Madison—and read that clause in the Constitution which provides that alterations and amendments when agreed to, shall become part of the Constitution—from whence he inferred, that it was evidently the design of the framers of the system, that they should be incorporated—nor is the house at liberty to adopt any other mode. Mr. Smith cited the instance of South Carolina, who instead of making acts in addition to acts, which had been found extremely perplexing, repealed their laws generally, in order to form a more simple and unembarrassing code.

Mr. LIVERMORE supported the motion of Mr. Sherman—He adverted to the custom and usage of the British legislature, and of the several State Assemblies; in forming laws and additional acts. We have no right, he observed, to make any alterations or interpolations in the instrument—it will be attended with difficulties in some future day.

Mr. VINING observed, that he thought the mode was not essential—he therefore adverted to the expediency of the motion—adding amendments, said he, will be attended with a variety of inconveniences—it will distort the system—it will appear like a letter, which, carelessly wrote in haste, requires a postscript much longer than the original composition—This motion is founded upon the custom of amending acts by additional acts, to explain and amend preceding acts, a custom, which involves endless perplexities, and has nothing in reason to recommend it. I hope Sir, the motion will not obtain.

Mr. CLYMER advocated the motion: I wish Sir that the Constitution may forever remain in its original form, as a monument of the wisdom and patriotism of those who framed it.

Mr. STONE was in favor of Mr. Sherman's motion. If Sir, said he, the amendments are incorporated in the instrument, it will assert that which is not true—for this Constitution has been signed by the delegates from the several States as a true instrument—and therefore in this case we must go further, and say, that a constitution made at such a time was defective, and GEORGE WASHINGTON, and those other worthy characters who signed this instrument, cannot be said to have signed the Constitution.—According to the observation of the gentleman from South-Carolina, respecting repealing laws to make a complete act, we must repeal the Constitution in order to make a new one—but will any gentleman say that this legislature has authority to do this? To incorporate these amendments, the Constitution must however be repealed in part, at least—The moment we prepare ourselves to do this, there is an end of the Constitution, and to the authority under which we act. Mr. Stone then replied particularly to the inference drawn by Mr. Smith from the passage which he had quoted from the Constitution, and observed, that the words could not imply any thing more than this, that such amendments, when adopted, agreeably to the mode pointed out, would be equally binding with the other parts of the system to which they do not specially refer.

Mr. GERRY enquired whether the mode could make any possible difference in the validity of the system, provided the sanction is the same—he conceived it could not—The constitution in my opinion, said he, has provided that amendments should be incorporated—the words are express, that they shall become "part of this constitution." The gentleman, (Mr. Stone) says we shall lose the names of the worthy gentlemen who subscribed the constitution—but I would ask, whether the names would be of any consequence, except the constitution had been ratified by the several States? or will the system be of no effect since it is ratified, if the names were now erased?—If we adopt the mode proposed, we shall in all probability go on to make supplements to supplements, and thus involve the system in a maze of doubts and perplexities.—It appears to me, that in order that the citizens of the United States may know what the constitution is, it is necessary that it be comprized in one uniform, entire system.—If the amendments are incorporated, the people will have one constitution; but if they are added by way of supplement, they will have more than one: And if in the original system there should any clauses be found, which are inconsistent with the added amendments, the government will be compounded of opposite principles, both in force at the same time.

Upon the idea of gentlemen as to the sacredness of the original system, if amendment are made upon their plan, they will be considered in a point of light inferior to the original; in this view, amendments are of no consequence, and had better be omitted.—This would tend to defeat the salutary purposes of amendments altogether, by derogating from their dignity and authority.

Mr. LAURANCE was in favor of the motion made by Mr. Sherman—he said, it appeared to him impossible to incorporate the amendments in the constitution without involving very great ab-

furdities in the supposition—if they should be engrafted in the body of the constitution, it will make it speak a language different from what it originally did—What will become of the laws enacted under the instrument as it originally stood?—Will they not be vitiated thereby? The ratifications of the several States had respect to the original system.—It is true that a majority of them have proposed amendments, but this does not imply a necessity of altering the original, so as to make it a different system from that which was ratified.—The mode proposed by the motion is agreeable to custom—it is the least liable to objection, and appears to me safe and proper.

Mr. BENSON observed, that this question was agitated in the select committee, and the result is contained in the report now under consideration—It should be remembered, that the ratifications of several of the States enjoin the alterations and amendments in this way; they propose that some words should be struck out, and the sentences altered—I do not conceive that incorporating the amendments can affect the validity of the original constitution—that will remain where it is, in the archives of Congress unaltered with all the names of the original subscribers.—The amendments are provided for in that instrument, and the completing those amendments is completing the original system—the records of the legislature will inform how this was done;—and for my part, I can see no difficulty in proceeding agreeable to the report of the committee.

Mr. PAGE said that he supposed that the committee of the whole is now acting upon the constitution as upon a bill—and they have a right, said he, to take up the subject paragraph by paragraph.

I am opposed to the amendment of the preamble of the constitution as proposed by the committee, as well as to the motion of the gentleman from Connecticut—I could wish therefore that we may not consume time in settling the mere form of conducting the business—but proceed, after rejecting the first amendment, to consider those that are subsequent in the report.

Mr. LIVERMORE replied to Mr. Page—he said, that with respect to the constitution, the committee stood upon quite different grounds from what they did when discussing a bill, and he contended that it is not in the power either of the legislature of the United States, or of all the legislatures upon the continent to alter the constitution, unless they were specially empowered by the people to do it.

Mr. JACKSON advocated the motion of Mr. Sherman—he said, if we repeal this constitution we shall perhaps the next year have to make another—and in that way the people will never be able to know whether they have a permanent constitution or not.—The constitution in my opinion ought to remain sacred and inviolate—I will refer to the constitution of England—Magna Charta has remained as it was received from King John to the present day, and the Bill of Rights the same; and although the rights of the people in several respects have been more clearly ascertained and defined, those charters remain entire: A constitutional privilege has lately been established in the independency of the Judges, but no alteration in the constitution itself was thought proper. All the amendments are supplementary—the sacred deposit of English liberty remains untouched—their great charter remains unaltered, though defects have been supplied and additions made. The constitution of the United States has been made by the people: it is their own act, and they have a right to it.—I hope we shall not do any thing to violate or mutilate it.

I therefore heartily join in the motion for striking out the words and adopting the mode proposed by the gentleman from Connecticut.

Several of the gentlemen spoke repeatedly upon the subject, but time will not admit of our enlarging further.—The question on Mr. Sherman's motion being taken, it passed in the negative.

A doubt was then raised, whether it was necessary that the article in the constitution which requires that two thirds of the legislature should recommend amendments, should be attended to by the committee—this occasioned a debate,—an appeal was made to the chairman, who determined that the business while before the committee, should be transacted in the usual manner by a majority—an appeal was made from this judgment to the house, and on the question, being put, whether the chairman's decision was in order, it passed in the affirmative.

The committee then rose, reported progress, and had leave to sit again to-morrow. Adjourned.

FRIDAY, AUGUST 14.

HON. ABIEL FOSTER, member from New-Hampshire, appeared, was qualified, and took his seat in the house this day.

In committee of the whole on the subject of amendments.

Mr. TRUMBULL in the chair.

Some progress was made in the discussion of the report of the select committee.—The question on the first paragraph, after a short debate, was put and carried in the affirmative.

In the second paragraph which respects the number of Representatives, it was moved that the words "one hundred and seventy-five" be struck out, and two hundred inserted. This motion obtained.

The third paragraph, respecting the compensation to the members of the legislature was also agreed to.

The committee then rose, and reported progress—and the house adjourned till to-morrow, 10 o'clock. [Sketches of the Debates this day, are unavoidably omitted.]

NEW YORK, AUGUST 15.

Extract of a letter from one of the eastern States, dated Aug. 3.

"I perceive by the the proceedings of Congress, that the house are about to take up the subject of amendments to the constitution—This, if true, will be considered by the friends to federal measures, as a stretch of complaisance at the expence of the interest of the United States.—I never yet met with a stickler for amendments who entertained an idea that this business would come upon the carpet, so long as Congress had any thing to do, that was essential to the organization of the government. Many persons are feriously alarmed at this appearance, who have hitherto repressed every repining thought, at the slowness with which public business has progressed—supposing that nothing would divert Congress from the steady pursuit of those objects on which the hopes of every friend to the Union are founded, till every department of government was established and compleated, and the system put in full operation."

A correspondent observes, that the fears of those who have been anxious on the score of amendments, may be entirely done away; for though a majority of the present Congress are undoubtedly friends to the new government; and though the subject of amendments has lain dormant, yea, quite asleep through the States for many months; and though there is confessedly, very important and necessary business yet pending in the legislature, and though the time of adjournment draweth near; and though the subject of amendments is a difficult business and will take time and cause tedious debates, yet to "quiet the alarms," to "disipate the apprehensions" "allay the fears" and "annihilate the jealousies of the people"—the amendments are to be immediately attended to.

The subject of Amendments is now the general topic of conversation:—The suspension that is occasioned in the organization of the government, by taking up this most important of all subjects at this moment of leisure—this pause in the general expectations of the people, must be considered in a proper point of light—for tho in two days a certain assembly have hardly got their hand upon the knocker of the Door, as a certain hon. gentleman phrased it, yet the whole suite of apartments, NINETEEN in number, may be surveyed, examined, altered, amended, curtailed, enlarged, and appropriated, in ——— days, weeks, or months, at farthest.

A public Dispensary is a great blessing to a populous city:—Our rival sister Philadelphia, is bearing the palm from us in this and several other respects—for altho she may possess a peculiar knack of turning the bright side to the day, and setting off her various improvements in a very conspicuous point of view, yet comparisons apart, much credit is due to her public spirit, for her various public institutions: We are however happy to hear, that it is in contemplation to establish a Dispensary in this city.

Progress of ARTS and MANUFACTURES.

"At Albany they have established a glass manufactory, and at Boston is established another. The Albany glass is as cheap as that from Europe.

"In New-York the castor-nut, or *palma Christi*, grows well—and one or more mills are established, for the making of castor-oil.

"The cotton manufactory is established at Philadelphia and Beverly, and will be at Lancaster or York, in Pennsylvania. The Boston assembly have granted 500l. to the one at Beverly, as a gratuity for the advancement it has made. It is carried on with Arkwright's machines.

"Carding-machines are made as cheap and as well at Philadelphia, as in Europe.

COLLECTION LAW.

To show that crowns are of small consequence, Republicans their value prize in cents; One hundred and eleven cents paid down, Will buy the Gallic or the English crown.

ARRIVALS. NEW-YORK.

Wednesday Sloop Columbia, Irish, Turks-Island, 15 days.
Sloop Little Joseph, Merryday, Richmond, 3 do.
Ship Betfy, Wheaton, New-Castle,
Schooner Three-Friends, Marshchalk, Curacoa,
Friday Brig Nelly, Allen, Aux-Cayes, 10 days,
Sloop Sally, Cook, St. Thomas's, 13 days.
Brig Olive Branch, Lawrence, St. Eustatia, 21 do.
Sloop Rambler, Peterfon, Rhode-Island 3 days.
Sloop Lady-Hayley, Tillinghurst, do 3 days.
Sloop Peggy, Otway, St. Croix, 12 days.