

The representations of several of the States are too large, and have been justly complained of; the rights of the people are less secure in a large, than in a small assembly. The great object is information; and this may be acquired by a small number, and to better purpose than by a large.

It has been said that a future legislature will not encrease the number, should it be found necessary: If that supposition is true, the present house will not agree to this motion, unless we suppose that a future house will be less patriotic than the present: as to the largeness of the number being a security against corruption, I do not think it is; the British house of commons consists of upwards of 500 members, and yet money enough has always been found to corrupt a sufficient number for the minister's purpose.

Mr. MADISON observed, that as the number 200 had been mentioned in the ratifications of several of the States and no substantial reason has been assigned why their expectation should not be complied with, it is reasonable to adopt this motion: Not, said he, that I would have the house give up their own judgement, when any substantial reason to the contrary is offered.

Mr. LAURANCE, Mr. GERRY, Mr. LIVERMORE, Mr. SEDGWICK, Mr. PAGE, Mr. TUCKER, and Mr. STONE, severally spoke upon this motion—which was finally carried in the affirmative. The paragraph as amended was agreed to by the committee.

The third amendment is "Art. 1, Sec. 2, Par. 3—Strike out all between the words 'direct' and 'until such,' and instead thereof, insert *but no law varying the compensation, shall take effect, until an election of representatives shall have intervened. The members.*"

This clause was debated for a short time, and then the question being taken, it was carried.

Mr. LEONARD had leave of absence for one month.

SATURDAY, AUGUST 15, 1789.

In committee of the whole, on amendments to the constitution—the fourth amendment under consideration; viz. Art. 1, Sec. 9, between Par. 2 and 3 insert "*no religion shall be established by law, nor shall the equal rights of conscience be infringed.*"

Mr. SYLVESTER said he doubted the propriety of the mode of expression used in this paragraph; he thought it was liable to a construction different from what was intended by the committee.

Mr. SHERMAN. It appears to me best that this article should be omitted entirely: Congress has no power to make any religious establishments, it is therefore unnecessary.

Mr. CARROL, Mr. HUNTINGTON, Mr. MADISON, and Mr. LIVERMORE made some observations: The last proposed, that the words should be struck out to substitute these words, "*Congress shall make no laws touching religion or the rights of conscience.*" The question on this motion was carried.

Fifth amendment. *The freedom of speech, and of the press, and of the rights of the people peaceably to assemble and consult for their common good, and to apply to government for the redress of grievances shall not be infringed.*

Mr. SEDGWICK moved to strike out the words "assemble and" This is a self evident unalienable right of the people, said he, and it does appear to me below the dignity of this house, to insert such things in the constitution. The right will be as fully recognized if the words are struck out, as if they were retained: For if the people may converse, they must meet for the purpose.

This motion was opposed by Mr. GERRY, Mr. PAGE, Mr. Vining and Mr. HARTLY; and the question being taken it was negatived.

Mr. TUCKER moved to insert these words, *to instruct their representatives.* This produced a long debate.

Mr. HARTLEY. I could wish, Mr. chairman, that these words had not been proposed. Representatives ought to possess the confidence of their constituents; they ought to rely on their honour and integrity. The practice of instructing representatives may be attended with danger; we have seen it attended with bad consequences; it is commonly resorted to for party purposes, and when the passions are up. It is a right, which even in England is considered a problematical. The right of instructing is liable to great abuses; it will generally be exercised in times of popular commotion; and these instructions will rather express the prejudices of party, than the dictates of reason and policy. I have known, Sir, so many evils arise from adopting the popular opinion of the moment, that I hope this government will be guarded against such an influence; and with the words may not be inserted.

Mr. PAGE was in favour of the motion. He said, that the right may well be doubted in a monarchy; but in a government instituted for the sole purpose of guarding the rights of the people, it appears to me to be proper.

Mr. CLYMER: I hope, Sir, the clause will not be adopted, for if it is, we must go further, and say, that the representatives are bound by the instructions, which is a most dangerous principle, and a destructive of all ideas of an independent and deliberative body.

Mr. SHERMAN said, these words had a tendency to mislead the people, by conveying an idea that they had a right to controul the debates of the federal legislature. Instructions cannot be considered as a proper rule for a representative to form his conduct by; they cannot be adequate to the purpose for which he is delegated. He is to consult the good of the whole: Should instructions therefore coincide with his ideas of the common good, they would be unnecessary: If they were contrary, he would be bound by every principle of justice to disregard them.

Mr. JACKSON opposed the motion: He said this was a dangerous article, as its natural tendency is to divide the house into factions: He then adverted to the absurdities and inconsistencies which would be involved in adopting the measure.

Mr. GERRY supported the motion: He observed, that to suppose we cannot be instructed, is to suppose that we are perfect: The power of instruction is in my opinion essential to check an administration which should be guilty of abuses: No one will deny that these may not happen: To deny the people this right is to arrogate to ourselves more wisdom than the whole body of the people possess. I contend, Sir, that our constituents have not only a right to instruct, but to bind this legislature—It has been contended by the friends to the constitution, that the people are sovereign; if so it involves an absurdity to suppose that they cannot, not only instruct, but controul the house: Debates may create factions, as well as instructions: We cannot be too well informed; this is the best method of obtaining information, and I hope we shall never shut our ears against that information which is to be derived from the voice of the people.

Mr. MADISON observed, that the existence of this right is at least doubtful.—I wish that the amendments may consist of an enumeration of simple and acknowledged principles: The insertion of propositions that are of a doubtful nature, will have a tendency to prejudice the whole system of amendments: The right now suggested is doubtful, and will be so considered by many of the States: In some respects the declaration of this right may be true, in others it is false: If we mean nothing more by it than this, that the people have a right to give advice or express their sentiments and wishes it is true; but still unnecessary, as such a right is already recognized: The press shall be free, and the people shall have the same freedom of speech and petitioning: but if it is meant that the representatives are to be bound by these instructions, the principle is false: Suppose a representative is instructed to do what is contrary to the public good? Would he be bound to sacrifice his own opinion? Or will not the vote of a representative contrary to his instruction be as binding on the people as a different one? If these things are true, where is the right of the constituent to instruct? or where is the advantage to result from it? It must either supercede all other obligations, the most sacred; or it can be of no benefit to the people. The gentleman says, the people are the sovereign; but who are the people? Is every small district the people? And can the inhabitants of this district express the voice of the people, when they may not be a thousandth

part, and all their instructions may contradict the sense of the whole people besides? Have the people in detached assemblies a right to violate the constitution or controul the whole sovereign power? This would be setting up an hundred sovereignties in the place of one.

Mr. SMITH (S. C.) was opposed to the motion: The doctrine of instructions would, in practice, operate partially: The States near the seat of government will have an obvious advantage over those remote from it: There is no necessity for so large a representation as has been determined on, if the members are to be guided in all their deliberations by positive instructions; one member from a State will serve every purpose; but then the nature of the assembly will be changed from a legislative to a diplomatic body: It would in fact be turning all our representatives into ambassadors.

Mr. STONE observed that to adopt this motion would change the nature of the constitution; instead of being a representative government, it would be a singular kind of democracy; in which, whenever a question arises, what is the law? It will not be determined by recurring to the codes and institutions of Congress, but by collecting the various instructions from different parts of the Union.

Mr. GERRY observed that several of the States had proposed this amendment, which rendered it proper to be attended to: In answer to Mr. Madison's query he said, he meant that instructions should be consistent with the laws and the constitution.

Mr. LIVERMORE said that though no particular districts could instruct, yet the Legislatures of the States most undoubtedly possessed this right.

This assertion of Mr. LIVERMORE was controverted by several gentlemen—by Mr. SEDGWICK, Mr. SMITH, Mr. AMES, and Mr. WADSWORTH: The last, speaking on the subject of instructions in general, said, I never knew merely political instructions to be observed; and I never knew a representative brought to an account for it: But I have known representatives follow instructions, contrary to their private sentiments, and they have ever been despised for it. Others have disregarded their instructions, and have been re-elected, and carelessly. Now if the people considered it as an inherent right in them to instruct their representatives, they would undoubtedly have punished the violation of such instructions; but this I believe has never been the case. I consider the measure as having a mischievous tendency.

The debate was continued much longer, but in a desultory way, as the speakers appeared to take it for granted, that they might touch upon collateral circumstances. The question on the motion being at length taken, it was negatived by a large majority; and then the committee agreed to the amendment in its original form.

The committee rose and the chairman reported progress.

Mr. AMES introduced a motion that all questions on amendments should be determined in committee, by two thirds of the members. Laid on the table. Adjourned.

MONDAY, AUGUST 17.

In committee of the whole on the subject of amendments to the Constitution.

The 6th and 7th amendments were agreed to without alteration.

In the 8th, on motion of Mr. LAURANCE, after the words "nor shall" these words were inserted, *in any criminal cases.* The 9th was adopted without alteration. In the 10th, on motion of Mr. BENSON, after the words "and eff. cts" these words were inserted, *against unreasonable searches and seizures.* 11th, 12th, 13th and 14th, were agreed to in their original form. The committee then rose, and the house adjourned.

TUESDAY, AUGUST 18.

The committee appointed to bring in a bill to regulate the Post-Office, brought in a resolve, which, with the Preamble, was to the following effect, That as the shortness of the time previous to the adjournment would not admit of making the necessary arrangements, therefore *Resolved*, that the POST MASTER GENERAL be directed to continue the Post Office upon the system established by the late Congress, and that he be authorized to make the necessary contracts, &c.

Mr. GERRY introduced a motion upon the subject of amendments, to this purpose, That such amendments to the Constitution of the United States as have been proposed by the different States, which are not in the report of the select committee, be referred to a committee of the whole house—and that those, with the amendments proposed by that committee, be included in one report. This motion was introduced by a lengthy speech upon the subject of amendments at large, and was seconded by Mr. SUMPTER.—This brought on a warm debate, which continued till near one o'clock—when the question being called for from various parts of the house, the AYES and NOES were required by Mr. GERRY. Upon which Mr. Vining called for the previous question, and the Ayes and Noes were then required upon that also—this occasioned a further debate—at length the Speaker directed the Clerk to call the Ayes and Noes on *Shall the main question be put?*

NOES.

Messrs Ames, Baldwin, Benson, Boudinot, Brown, Cadwallader, Carroll, Clymer, Fitzsimons, Foster, Gilman, Goodhue, Hartley, Heister, Huntington, Lawrence, Lee, Madison, Moore, P. Muhlenberg, Partridge, Schureman, Scott, Sedgwick, Seney, Sylvestre, Sinnickson, Smith, (S. C.) Smith, (M.) Thatcher, Trumbull, Vining, Wadsworth, Wynkoop. 34.

AYES.

Messrs Burke, Coles, Floyd, Gerry, Griffen, Groat, Hathorn, Livermore, Page, Parker, Van Rensselaer, Sherman, Stone, Sturgis, Sumpter, Tucker. 16. Majority 18.

The House then went into a committee of the whole on the report of the select committee.

The five remaining amendments were agreed to by the committee, with some little variation. They then rose, and the chairman reported their proceedings, which, it was ordered should lie on the table for the consideration of the members.

A message was received by the senate by their secretary, informing the house that they had concurred with one amendment; in the bill to provide for the necessary expenses attending negotiations, and treating with the Indian tribes, &c.

The proposed amendment was, to strike out "Forty," and insert *twenty*, which would make the provision for the expenses twenty thousand instead of forty thousand dollars.

Mr. TUCKER presented a number of papers containing seventeen proposed amendments to the constitution; which were read and laid on the table.

The committee on the subject of the disputed election of the members from NEW-JERSEY, brought in a report containing a state of facts respecting said election, which was read, and then the house adjourned.

Some account of the Debates of 17th and 18th instant, shall appear in our next.

CHARLESTON, (S. C.) JULY 11.

The commissioners appointed by the British government, to enquire into and ascertain the claims of the American loyalists, have finally determined, that no compensation shall be allowed for alleged losses on mortgages, bonds and book debts, because those debts are recoverable by the treaty of peace; so that if a loyalist was possessed of a real estate, which the commissioners allowed to be worth 2000l. mortgages, bonds, and debts, 5000l. but owed the subjects of the United States 3000l. in common justice there would be a balance in his favour 4000l. but the amount of what he owes being 1000l. more than

the value of his real estate, and nothing being allowed for his personal estate, in fact, in such an instance the loyalist will be left 1000l. worse than nothing.

BALTIMORE, AUGUST 11.

On Saturday the 1st inst. there happened at Carlisle "the most violent hurricane, tempest or thunder-storm" that was ever known in that borough, by which the Presbyterian church, and other public buildings, with the Rev. Mr. Davidson's new brick house, and several other private buildings, were unroofed, and otherways much damaged.

PHILADELPHIA, AUG. 12.

Extract of a letter from Dr. Lettson, of London, to a friend of his in this city, dated March 6.

"I approve the zeal expressed in thy letter, for the promotion of universal liberty. When I came of age, I found my property consisted in slaves, to whom I gave freedom, and left myself penniless, this sacrifice I have never repented of. I did this act of enfranchisement from no advice whatever, but from the internal impulse of humanity, and a conviction on my mind, that the surest path to heaven was in doing to others as we would that others should do to us. I sincerely wish you and us success in softening the chains of slavery, and lessening the weight of the links, and by degrees we shall break them asunder."

The Trustees and Faculty of the College of Philadelphia have, by diploma, granted the degree of Doctor in Divinity, to the Rev. Robert Smith, Rector of St. Paul's and Principal of Charleston College, in South Carolina; the Rev. Edward Bais, Rector of St. Paul's, Newburyport, and Bishop elect of the Protestant Episcopal Church in the States of Massachusetts and New-Hampshire; and the Rev. Samuel Parker, Rector of Trinity Church, Boston.

PORTSMOUTH, AUGUST 8.

A letter from Bengal, has the following curious particulars:—"At Oude, near Fyzabad, in the province of Bengal, is a tomb of SETH, (Adam's third son) twelve feet long.

"SUJAH DOWLAH's father repaired the tomb and of JOB's adjoining it. Not more than a mile from those tombs, is a fragment of NOAH's Ark; perhaps by examining the wood, whether of Sak, or Teke, it might be ascertained whereabouts it was built, or discover a timber for ship-building, more durable than either of those."

NEW YORK, AUGUST 19.

Seventeen amendments, multiplied by fifty-nine (the number of members in a certain assembly) give a product of one thousand and three—If constitutions can be made perfect by amendments, what a blessed chance has the constitution of the United States!

The General Convention of the Protestant Episcopal Church met at Philadelphia, July 2<sup>nd</sup>, and adjourned August 8<sup>th</sup>, to meet again at the same place, September 29.

We are informed that the greatest harmony pervades that respectable body: And that among other business, they have formally recognized Dr. SEABURY's consecration, which act they have communicated to him. It is expected he will meet the Convention in September.—That the churches to the eastward have wrote to each of our Bishops requesting them jointly to consecrate the Rev. Dr. Bais of Massachusetts Bishop, as soon as convenient. And that as the convention is not broke up, the Clergy from the Carolinas, &c. will remain at Philadelphia till the meeting in September.

Boston papers by last night's post say that—The Hon. Mr. LINCOLN, collector of Boston district has appointed JOHN RICE, Esq. deputy collector—Mr. WILLIAM SHATTUCK and PATRICK PHOLON, Esq. weighers and gaugers—and Mr. JONAS CLARK MINOT, inspector for that district.

Mr. CALEB BLODGET, merchant of Boston; who was an officer in the late continental army, was unfortunately drowned in Boston harbor, last week—his death is most sincerely regretted as a loss to the community of an amiable and worthy character.

DEATHS.

On Sunday last died, Master GEORGE WASHINGTON KNOX, youngest son to the Hon. Gen. Knox, Secretary at War.

"Early, bright, transient as the morning dew,  
He sparkled, was exhal'd and went to Heaven."

Yesterday died Major JOHN LUCAS, an officer of distinction in the Georgia line of the late American army, and treasurer of the State Society of the Cincinnati of that State. His remains will, this afternoon be interred in St. Paul's Church-yard, attended by the State Society of the Cincinnati of New-York, and a detachment of Col. Bauman's artillery. He bore a tedious and lingering decay with all that fortitude which his character as a soldier was strongly marked with.

Citizens of Georgia, and friends of the deceased in New-York, are requested to attend his funeral at five o'clock this afternoon, from Mrs. Sebring's, No. 63, corner of Crown Street, Broadway.

The members of the New-York State Society of the Cincinnati are particularly requested to attend the funeral of the late Major LUCAS of Georgia, this afternoon, precisely at 4 o'clock, at the City Tavern. Those members of other State Societies, now in this city, are also invited on the occasion.

August 19th.

JOHN STAGG, jun. Sec'y

Saturday, Brig Patty, Malliby, St. Thoms's, 13 days.  
Schooner Hope, Clark, Cape-Francois, 11 days.  
Sunday, Sloop Ranger, Raifbeck, St. Johns, 14 days.  
Schooner Nelly, Mc Neil, Barbadoes, 17 days.  
Sloop Elizabeth, Muffin, Turks-Island, 13 days.  
Monday, Sloop Two Friends, Smith, Alexandria, 4 days.  
Schooner N York Packet, Barnard, Boston, 8 days.