

Mr. MADISON observed, that except some adequate substitute was proposed, he thought it would be necessary to retain the clause: There is, said he, perhaps no danger of any court in the United States, granting an appeal where the value in dispute does not amount to 1000 dollars: still the possibility of such an event has excited the greatest apprehensions in the minds of many citizens of the United States: The idea that opulent persons might carry a cause from one end of the continent to another has caused serious fears in the minds of the people: I think it best to retain the clause.

The motion was negatived.

Mr. SEDGWICK, to strengthen the clause, moved to strike out 1000 dollars, and to insert 3000.—This motion was seconded and supported by Mr. LIVERMORE, but was negatived, and the amendment accepted.

14th Amendment. Art. II. Sec. 3d. Strike out the whole of 3d par. and insert: "In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favour, and to have the assistance of counsel for his defence."

Several amendments to this article were proposed, some of them were withdrawn and others negatived; and one only obtained, which respected the place of trial, which was to be in the State where the supposed crime was committed.

This amendment was then adopted.

The committee then rose and the house adjourned.

TUESDAY, AUGUST 19.

Committee of the whole on the subject of amendments.

Mr. BOUDINOT in the chair.

The committee took up the fifteenth amendment, which is "The trial of all crimes (except in cases of impeachment, and in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger) shall be by an impartial jury of freeholders of the vicinage, with the requisite of unanimity for conviction, the right of challenge, and other accusatory requisites; and no person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment by a grand jury; but if a crime be committed in a place in the possession of an enemy, or in which an insurrection may prevail, the indictment and trial may by law be authorized in some other place within the same State; and if it be committed in a place not within a State, the indictment and trial may be at such place or places as the law may have directed."

Mr. BURKE moved to strike out "vicinage," and to insert *county or district in which the offence has been committed*. The gentleman enforced this motion by a variety of observations; and among others said that it was agreeable to the practice of the State he represented, and would give the constitution a more easy operation; that it was a matter of serious alarm to the good citizens of many of the States, the idea that they might be dragged from one part of the State perhaps 2 or 300 miles to the other for trial.

Mr. GERRY objected to the word "district" as too indefinite. Mr. SEDGWICK said, that he conceived that the proposed amendment is not so adequate to the gentleman's object as the word "vicinage"—the latter part of the clause is sufficient for the gentleman's purpose.

The motion was negatived.

Mr. BURKE then proposed to add a clause to prevent prosecutions upon informations: This was objected to, as the object of the clause was to provide that high crime, &c. should be by presentment of a grand jury; but that other things should take the course heretofore practised. This motion was lost.

And then the paragraph was adopted.

16th amendment: "In suits at common law, the right of trial by jury shall be preserved." This amendment was adopted.

17th amendment: Immediately after art. 6, the following to be inserted as art. 7. "The powers delegated by this Constitution, to the government of the United States shall be exercised as therein appropriated, so that the Legislative shall never exercise the powers vested in the Executive or the Judicial; nor the Executive the powers vested in the Legislative or Judicial; nor the Judicial the powers vested in the Legislative or Executive."

Mr. SHERMAN objected to this: He said it is unnecessary.

Mr. MADISON observed, that its adoption will satisfy the people: This separation of the powers is expected: It will serve to explain many cases that may arise under the Constitution, and can do no harm.

Mr. LIVERMORE said, that he objected to the clause altogether, as in its operation it is subversive of the Constitution.

Mr. SEDGWICK, Mr. BENSON, and Mr. GERRY were in favor of this amendment, which was finally carried.

18th Amendment: "The powers not delegated by this Constitution, nor prohibited by it to the States, are reserved to the States respectively."

Mr. TUCKER proposed an introductory clause to this amendment, viz. *all power being derived from the people*.

Mr. MADISON objected to this, as confining the government within such limits as to admit of no implied powers, and I believe, said he, that no government ever existed which was not necessarily obliged to exercise powers by implication. This question was agitated in the Convention of Virginia; it was brought forward by those who were opposed to the Constitution, and was finally given up by them.

Mr. SHERMAN observed, that all corporations are supposed to possess all the powers incidental to their corporate capacity: It is not in human wisdom to provide for every possible contingency. This motion was negatived.

Mr. GERRY then proposed to add, after the word "States," and *people thereof*.

Mr. CARROL objected to the addition, as it tended to create a distinction between the people and their legislatures.

The motion was negatived, and the amendment agreed to.

19th amendment: "Art. 7, to be made art. 8."

The committee then rose and reported the amendments, which were laid on the table.

The committee of elections, pursuant to the instruction to them contained in the resolution of the house of the 25th of May, relative to the petition of a number of the citizens of the State of New-Jersey, complaining of the illegality of the election of the members of this house, as elected within that State, do report the following facts as arising from the proofs, to wit:

1. That the elections for members of this house held within that State, in consequence of an act of the legislature thereof, entitled, "An act for carrying into effect on the part of the State of New-Jersey the constitution of the United States, assented to, ratified and confirmed by this State, on the 18th day of December 1787," passed the 21st of November, 1788, were closed in the several counties of Bergen, Morris, Monmouth, Hunterdon, Somerset, Middlesex, Sussex, Salem, Cape May, Cumberland, Burlington and Gloucester, and the lists of the several persons voted for, and the number of votes taken for each, were received by the Governor at the respective times, appearing from the said lists and the endorsements thereon, which lists accompany this report.

2. That the election in the county of Essex the remaining county in the State, closed on the 17th of April, and the list was received by the Governor on the 30th of May.

3. That in consequence of the summons from the Governor, a copy whereof accompanies this report, dated the 27th of February, to 4 of the Members of the Council, a Privy Council consisting of the Governor and the 4 Members so summoned, did assemble at Elizabeth-town, on the 3d of March, and being so assembled, Mr. Haring another member of the Council received a note from the Governor, a copy whereof accompanies this report, in consequence whereof Mr. Haring did then also attend the Privy Council as a member thereof.

4. That the Governor then appointed another meeting of the Privy Council to be held on the 18th of March, at which day the Governor and 11 members of the Council did assemble, and did then determine from the list of 11 counties specified in the first fact above stated, the 4 members now holding seats in this house, the four persons elected members of this house within that State, against which determination of the Council three of the members then present did protest, and the protest, a copy whereof accompanies this report, was, with the consent of the Council delivered into the Council, in form on the subsequent day.

5. That there was no determination of the Governor and Privy Council in the premises until the 18th of March.

6. That the Governor did on the 19th of March issue a proclamation, a copy whereof accompanies this report.

[In our last we stated that Mr. TUCKER's propositions were laid on the table—this is a mistake: He moved that they should be referred to the committee of the whole House. This motion was negatived by a great majority.]

WEDNESDAY, AUGUST 20.

Mr. CARROL presented a petition from PATRICK BENNETT, late quarter master in Col. MOYLAN's light dragoons—laid on the table.

Mr. HUNTINGTON presented a petition from the inhabitants of the port of Stonington, in behalf of the fishermen of that place; praying that they may not be obliged to go so far as New-London for permits. Laid on the table.

The amendment of the senate to the bill for providing for the expenses of negotiations and treaties with the Indians, &c. was taken into consideration, and after some debate was concurred.

In committee of the whole on amendments.

Mr. SHERMAN bro't forward his motion for adding the amendments by way of supplement to the constitution; which was agreed to, by more than three fourths of the members present.

The first amendment being taken up, on the question to agree to the same, it was negatived.

On the second amendment respecting representation: A proposition was submitted by Mr. AMES, to the following effect: That after the first enumeration, there shall be one representative to every 30,000 inhabitants, till the number of members shall amount to one hundred; after which the number of members shall not increase till the number of inhabitants shall amount to four millions, after which the ratio of representation shall be one for every 40,000, till the number amounts to 200, beyond which number it shall not be increased till the number of inhabitants amounts to ten millions, when the ratio of representation shall be one for every fifty thousand.

The house spent the remainder of the day in discussing a variety of amendments proposed to this motion; and adjourned without coming to a decision.

THURSDAY AUGUST 20.

Mr. GOODHUE introduced the following resolution, which was read and laid on the table: viz. That the president of the senate, and speaker of the house of representatives, do adjourn the respective houses of congress on the day of September next to meet on the first Monday of December next.

A message was received from the President of the United States, by Mr. Secretary LEAR, informing that the President approved of the act, entitled, "An act for providing for the expenses which may attend negotiations with the Indian tribes, and the appointment of commissioners for managing the same," and had affixed his signature thereon.

In committee of the whole.

The subject of amendments resumed. Mr. AMES's proposition was taken up. Five or six other gentlemen brought in propositions on the same point; and the whole by mutual consent, were laid on the table. The house then proceeded to the third amendment, and agreed to the same.

The fourth amendment, on motion of Mr. AMES, was altered, so as to read, "Congress shall make no law establishing religion, or to prevent the free exercise thereof; or to infringe the rights of conscience." This was adopted.

The fifth amendment was agreed to.

Mr. SCOT objected to the clause in the sixth amendment, "No person religiously scrupulous shall be compelled to bear arms." He said, if this becomes part of the constitution, we can neither call upon such persons for services nor an equivalent; it is attended with still further difficulties, for you can never depend upon your militia. This will lead to the violation of another article in the constitution, which secures to the people the right of keeping arms, as in this case you must have recourse to a standing army. I conceive it is a matter of legislative right altogether. I know there are many sects religiously scrupulous in this respect: I am not for abridging them of any indulgence by law; my design is to guard against those who are of no religion. It is said that religion is on the decline; it is this is the case, it is an argument in my favour; for when the time comes that there is no religion, persons will more generally have recourse to these pretences to get excused.

Mr. BOUDINOT said that the provision in the clause or something like it appeared to be necessary. What dependence can be placed in men who are conscientious in this respect? Or what justice can there be in compelling them to bear arms, when, if they are honest men they would rather die than use them. He then adverted to several instances of oppression in the case which occurred during the war. In forming a militia we ought to calculate for an effectual defence, and not compel characters of this description to bear arms. I wish that in establishing this government we may be careful to let every person know that we will not interfere with any person's particular religious profession. If we strike out this clause, we shall lead such persons to conclude that we mean to compel them to bear arms.

Mr. VINING and Mr. JACKSON spoke upon the question. The words *in person* were added after the word "arms," and the amendment was adopted.

The 7th, 8th, 9th, 10th, 11th, 12th, 13th and 14th amendments without any material alterations were agreed to.

Adjourned.

FRIDAY, AUGUST 21.

The order of the day, on amendments to the Constitution.

15th Amendment under consideration.

Mr. GERRY moved to strike out these words "public danger" to insert *foreign invasion*. This was negatived. It was then moved to strike out the last clause "and if it be committed, &c." to the end. This motion obtained, and the amendment as it then stood adopted.

16th and 17th amendments were accepted, without alteration. 18th Amendment: In this Mr. GERRY proposed to insert the word *expressly* after the word "powers"—this being objected to the Ayes and Noes were called for on the question, and are as follow:

AYES.

Messrs Burke, Coles, Floyd, Gerry, Grout, Hathorne, Jackson, Livermore, Page, Parker, Partridge, Van Ranslaer, Smith, (S. C.) Stone, Sumpter, Thatcher, Tucker. 17.

NOES.

Messrs Ames, Benson, Boudinot, Brown, Cadwallader, Carroll, Clymer, Fitzsimons, Foster, Gale, Gilman, Goodhue, Hartley, Heister, Laurence, Lee, Madison, Moore, P. Muhlenberg, Schureman, Scot, Sedgwick, Seney, Sherman, Sylvester, Smith, (M.) Sinnickson, Sturges, Trumbull, Vining, Wadsworth, Wynkoop. 22.

Majority 14. So the question was lost.

19th Amendment: Mr. SHERMAN moved that after the words "prohibited by it to the" government of the United States and after the words "referred to the," individuals should be inserted: This motion was acceded to, and the clause was then adopted.

The report of the committee being gone through, Mr. BURKE introduced the following amendment, viz. Congress shall not alter, modify, or interfere in the times, places, or manner of electing Senators or Representatives of the United States, except when any State shall refuse, or neglect, or be unable, from actual invasion or rebellion to make such election. This brought on a debate, and the ayes and noes being called, stand thus:

AYES.

Messrs Burke, Coles, Floyd, Gerry, Griffin, Grout, Hathorne, Heister, Jackson, Livermore, Matthews, Moore, Page, Parker, Partridge, Van Ranslaer, Seney, Sylvester, Smith, (S. C.) Stone, Sumpter, Thatcher, Tucker. 23.

NOES.

Messrs Ames, Benson, Boudinot, Brown, Cadwallader, Carroll, Clymer, Fitzsimons, Foster, Gale, Gilman, Goodhue, Hartley, Laurence, Lee, Madison, P. Muhlenberg, Schureman, Scot, Sedgwick, Sherman, Sinnickson, Smith, (M.) Sturges, Trumbull, Vining, Wadsworth, Wynkoop. 28.

Majority against the proposition 5.

The consideration of the amendment, which was postponed yesterday, was then resumed.

A variety of propositions were read, and on the questions being taken were negatived.

The following in substance, introduced by Mr. SMITH, of S. C. was adopted, viz. After the first enumeration, there shall be one Representative to every 30,000 inhabitants till the number shall amount to 100—after which the proportion shall be so regulated by Congress, that there shall be one to every 40,000, till the number amounts to 200—after which the number shall not be increased at a less rate, than one for every 50,000. Adjourned.

GEORGETOWN, (Patowmac) AUGUST 12.

Last Monday being the yearly meeting of the Patowmac company, the members of that truly patriotic undertaking, assembled at Mr. JOHN SUTER's, and after arranging the business for the ensuing year, they proceeded to the choice of officers, when the following gentlemen were elected, viz.

THOMAS JOHNSON, Esq. in the room of his Excellency the President of the United States of America.

THOMAS S. LEE,	} Directors.
JOHN FITZGERALD,	
GEORGE GILPIN,	
NOTLEY YOUNG,	

It gives us infinite pleasure we have it in our power to inform the public, that through the indefatigable perseverance of the Patowmac company, provision has been made to carry on the work with great expedition, the ensuing year, so that we may flatter ourselves with the pleasing idea of soon seeing the produce of our Western country at 300 miles back, brought by water to our own doors.

PHILADELPHIA, AUGUST 13.

In a London paper of the 10th of June, bro't by the ship Fair Penitent, arrived from Port-Glasgow, there is a manifesto from England to Denmark, intimating, "Should the Danes assist the Russians, Great Britain will look on it as a declaration of war, and will attack them immediately." Britain has likewise ordered a fleet of twenty sail of the line into the Baltic, as a fleet of observation.

BOSTON, AUGUST 15.

In an English paper of the 6th June, very handsome notice is taken of the scene which was acted at Trenton Bridge, by the Matrons, and "white robed choir" of that town, on THE PRESIDENT's passing it when on his journey from Mount Vernon to New-York. It is mentioned as a scene which must have been the most interesting to the feelings—the most honorable and delightful that any Hero or Monarch could have witnessed. The thought is complimented as original—the place is described as adding interest thereto—and the whole panegyricized in the most brilliant manner. [We cannot help remarking, that a very visible change is discernable in the British accounts of the events and situation of this country. The language of contempt, and which is worse of pity for our situation, is changed to the language of respect, and even hope that under our new Constitution we may become a great and a flourishing nation.]

The respectability of the officers appointed in the different grades of the Revenue Department, while it will secure an honorable collection of the revenue, must give great satisfaction to the mercantile interest.

Mr. JOSEPH SPEAR, and Captain SAMUEL WHEELWRIGHT, are appointed Weighers and Gaugers for this district.

The following gentlemen are appointed Inspectors for this port—THOMAS FARRINGTON, Esq. Col. JOHN POPKINS, and Capt. PETER DOLLIVER.