

## CONGRESS of the UNITED STATES.

IN THE HOUSE OF REPRESENTATIVES, MONDAY,  
AUGUST 24, 1789.

RESOLVED, by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both houses deeming it necessary, that the following articles be proposed to the several states, as amendments to the constitution of the United States; all, or any of which articles, when ratified by three fourths of the said legislatures, to be valid, to all intents and purposes, as part of the said constitution.

ARTICLES in addition to, and amendment of the Constitution of the United States of America, proposed by Congress and ratified by the legislatures of the several States, pursuant to the 5th article of the original constitution.

ARTICLE I. After the first enumeration required by the first article of the constitution, there shall be one representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by Congress, that there shall not be less than one hundred representatives, nor less than one representative for every forty thousand persons, until the number of representatives shall amount to two hundred, after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred representatives, nor less than one representative for every fifty thousand persons.

ART. 2. No law varying the compensation to the members of Congress shall take effect, until an election of representatives shall have intervened.

ART. 3. Congress shall make no law establishing religion, or prohibiting the free exercise thereof, nor shall the rights of conscience be infringed.

ART. 4. The freedom of speech, and of the press, and the right of the people peaceably to assemble, and consult for their common good, and to apply to the government for a redress of grievances, shall not be infringed.

ART. 5. A well regulated militia, composed of the body of the people, being the best security of a free state, the right of the people to keep and bear arms shall not be infringed, but no one religiously scrupulous of bearing arms, shall be compelled to render military service in person.

ART. 6. No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ART. 7. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ART. 8. No person shall be subject, except in case of impeachment, to more than one trial or one punishment for the same offence, nor shall be compelled in any criminal case, to be a witness against himself, nor be deprived of life, liberty or property, without due process of law, nor shall private property be taken for public use without just compensation.

ART. 9. 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.

ART. 10. 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 the vicinage, with the requisite of unanimity for conviction; the right of challenge and other accustomed 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.

ART. 11. No appeal to the Supreme Court of the United States shall be allowed, where the value in controversy shall not amount to one thousand dollars; nor shall any fact triable by a jury according to the course of the common law, be otherwise re-examinable, than according to the rules of common law.

ART. 12. In suits at common law, the right of trial by jury shall be preserved.

ART. 13. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ART. 14. No state shall infringe the right of trial by jury in criminal cases, nor the rights of conscience, nor the freedom of speech, or of the press.

ART. 15. The enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ART. 16. The powers delegated by the 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 judicial; nor the executive the powers vested in the legislative or judicial; nor the judicial the powers vested in the legislative or executive.

ART. 17. The powers not delegated by the constitution, nor prohibited by it to the states, are reserved to the states respectively.

Ordered, that the Clerk of this house do carry to the senate a fair and engrossed copy of the said proposed articles of amendment, and desire their concurrence. *Extract from the Journals,*  
JOHN BECKLEY, Clerk.

## SKETCH OF PROCEEDINGS OF CONGRESS.

In the HOUSE OF REPRESENTATIVES of the UNITED STATES.

WEDNESDAY, AUGUST 26, 1789.

A PETITION from Joseph Wheaton, Sergeant at arms, praying the appointment of a committee, to examine certain scandalous reports propagated respecting him; was read, and ordered to lie on the table.

Petitions were severally received from James M'Lane, and Joseph Reed; invalids in the service of the United States, praying provision to be made for them.

Mr. GOODRUE presented the report of a committee, on the memorial of the merchants of Dumfries, Alexandria, George-town, &c. which was ordered to lie on the table.

In Committee of the whole, on the bill to provide for the safe keeping of the acts, records, and great seal of the United States, &c.

Mr. BOUDINOT in the chair.

Mr. SEDGWICK moved to insert a clause enjoining the payment of all fees to be received in the department of secretary of state, into the treasury: This motion was negatived.

The clause for establishing fees for searching the records was struck out of the bill.

Mr. SEDGWICK said, since the motion for paying the fees into the treasury is negatived, I hope the whole clause respecting them will be expunged.—I am opposed to increasing the emoluments of an office in this way: I hope we shall never establish such a precedent in this government. This indirect mode of taxing the people is liable to a variety of objections.—It will be increasing the income of an office to an amount which excludes all calculation.—Every public officer should receive a competent allowance for his services—this officer will be very respectable, and very responsible; and ought therefore to be handsomely supported by a known salary; and I trust the sum intended will be generous—I hope therefore that all clauses respecting fees will be struck out: Not that I wish the idea of deriving an advantage from them to the public, should be abandoned: We ought to turn our attention to every source from whence money can be directed into the public treasury, without burthening the people—this I consider as one from whence considerable sums may be drawn with ease and facility—it is a custom the people have been used to, and in which they will continue cheerfully to acquiesce; more especially when they consider that the small sums they are called upon to pay for receiving the evidences of their appointment to an office perhaps for life, are appropriated to public uses: I mean therefore to renew the proposition, when the bill comes before the house; when I hope that upon more mature contemplation of the subject, it will be adopted. He then moved that the clause should be struck out, which was seconded.

Mr. FITZSIMONS opposed striking out the words. These fees are to be received for extra services—services which must be paid for in this or some other mode, since the house has not thought proper to establish another department.

Mr. STONE made a distinction in the services to be performed by the secretary of state: The services he is to render the public as secretary, he is to receive an adequate compensation for by a salary: For other services, which by law he is to do for individuals, he ought to be paid for by those individuals; and for this reason I consider, said he, the fees proper.

Mr. GERRY was in favour of striking out the clause.

Mr. HARTLEY. I hope Sir, the clause will not be struck out; we are told that the public is not to be put to any additional expence on account of annexing these duties to this office; and for this reason the proposition for a new department has been repeatedly rejected.

It is evident that an additional number of clerks for the discharge of the business will be necessary, how are they to be paid?—The public is not to be burthened—I hope we shall retain the clause.

Mr. LAURANCE observed, that if individuals have a right to apply for, and be furnished with copies of papers; it is but reasonable that they should pay for such copies. If they apply on account of the public, the public ought to be charged with the expence: If the application is for their own private advantage, they certainly ought to pay for employing the servants of the public; otherwise it will be unequal. There will be but

few applications comparatively speaking; but those may engross a great proportion of the time, for which the public is charged.

Mr. SHERMAN observed, as the officer is to receive a salary for his whole services, and to which every individual in the community contributes, it would give more general satisfaction if this should be the whole emolument. We shall, I expect, set the salaries so high as will cause some uneasiness; and if in addition, we add fees to increase the income, I believe it will create universal dissatisfaction.

Mr. LIVERMORE observed that it is a very general custom for officers intrusted with public papers, to receive fees for giving copies, and other services of this kind, in addition to their salaries. If we do not make some such regulation, we shall have every person applying upon the most trifling occasion, who would find employment for more than 100 clerks.

The fees received may be sufficient to pay for the additional duties annexed to this department. I am not in favour of high fees—a small consideration will be sufficient.

The motion for striking out the fees was negatived. The committee then proceeded to discuss the remainder of the bill; which being finished, the committee rose and the chairman reported the same as amended.

The house immediately took the report into consideration.

Mr. SEDGWICK renewed his motion for providing that the fees should be paid into the treasury, which was again negatived.—The amendments being agreed to, it was ordered that the bill be engrossed for a third reading to-morrow.

A message was received from the President of the United States, by Mr. SECRETARY LEAR, with the resolve of both houses, for completing the survey ordered by the late Congress; to which the approbation and signature of the President is affixed.

Mr. SECRETARY OTIS brought down from the senate, a bill providing for the registering vessels, and to regulate the coasting trade; in which they have concurred, with amendments.

These amendments were taken into consideration, but the time did not admit of going through with them this day. *Adjourned.*

THURSDAY, AUGUST 27.

The committee appointed for the purpose, reported that they had examined the enrolled bill for establishing the treasury department, and found the same correct.

It was moved and seconded that the speaker sign the same, who accordingly affixed his signature thereto.

The engrossed bill to provide for the safe keeping of the acts, records and great seal of United States, and for other purposes was read a third time and passed to be enacted.

The amendments of the senate to the coasting bill were then taken into consideration—and agreed to with some small variations. The senate have reduced the fees in this bill; among others—for

Every register from	3 to 2 Dollars.
Subsequent ditto	2 to 1 and 50 cents.
Certificate of enrolment	1 to 50 ditto.
Licence to trade or carry on the whale or bank fisheries for one year,	1 to 50 ditto.
Every bond for licence to trade,	10 ditto.

Mr. VINING presented to the house an act of the state of Delaware, offering the United States the jurisdiction over ten miles square, in any part of that state, should Congress make choice thereof for the permanent residence of the federal government—which was read and laid on the table.

Mr. HEISTER presented to the house a representation of the inhabitants of the borough of Reading in Pennsylvania, stating the advantageous situation of that place, and their wishes to have it made choice of, as the place of the permanent residence of the federal government—which was read and laid on the table.

A similar representation from the inhabitants of Germantown, and the inhabitants of Carlisle, both in the state of Pennsylvania, and the act of the state of Pennsylvania, ceding the jurisdiction of ten miles square to the United States, were read, and laid on the table.

Mr. GERRY presented a supplementary report to the estimate of the necessary supplies for the year 1789,—read and referred to the committee of ways and means.

Mr. SMITH (S. C.) of the committee appointed for the purpose, brought in a bill providing for the establishing hospitals for disabled seamen, and for the regulation of harbours—which was read the first time.

This bill states that hospitals be established and maintained in such sea port towns in the United States as the President shall direct, by a deduction from the wages of seamen, which captains and commanders of vessels shall pay to the officers of the customs at each entry of their vessels.

Mr. SCOTT, agreeable to notice, moved a resolution to the following effect: That a place