

may be better to put up a fence that did not please every one's fancy, rather than no fence at all, or keep disputing about it until the wild beasts come in and devour it. Some gentlemen say don't be in a hurry—take time to consider, and don't take a leap in the dark. I say take things in time—gather fruit when it is ripe. There is a time to sow and a time to reap; we sowed our seed when we sent men to the federal Convention, now is the harvest, now is the time to reap the fruit of our labour, and if we don't do it now, I am afraid we shall never have another opportunity.

Mr. Parsons considered the several charges of ambiguity which gentlemen had laid to the Constitution; and with a great deal of accuracy, stated the obvious meaning of the clauses thus supposed to be ambiguous. He concluded his explanation, by saying, that no compositions which men can pen, could be formed, but what would be liable to the same charge.

Hon. Mr. Dalton. Mr. President.—It has been demanded by some gentlemen in opposition to this constitution, why those who were opposed to the augmentation of the powers of Congress a few years since, should now be the warmest advocates for the powers to be granted by the federal constitution. Sir, I was opposed to the 6 per cent. impost being granted to Congress; and I conceived that such a grant under the confederation, would produce great difficulties and embarrassments. But, sir, as Congress is by the proposed constitution to be differently constituted, as a representative voice of the States in that body, is to be substituted for the present *quasi* (or rather unequal one) my objections will be removed. In my opinion, the delegating of power to a government, in which the people have so many checks, will be perfectly safe, and consistent with the preservation of their liberties.

Mr. Ames said, that in the course of the debates, gentlemen had justified the confederation; but he wished to ask, whether there was any danger in this constitution, which is not in the confederation? If gentlemen are willing to confederate, why, he asked, ought Congress to have the powers granted by this constitution. In the confederation, said Mr. A. the checks are wanting, which are to be found in this constitution. And the fears of secession, that this constitution will provide for a permanent antiregery, are therefore ill-founded, for the powers will always be dependent on the people, like the insects of a fun, this day, may by the breath of their displeasure be annihilated.

Mr. Wedgery. Mr. President, Enough has I think been said on the 8th sect. It has been repeated over and over again, that the adoption of the Constitution will please all ranks of people, that the present inefficiency of the Confederation is obvious; and that blessed things will surely be the result of this Constitution. Many say, ask the Merchants? Ask the yeomanry? But they do not tell us what the answer of these will be.—All we hear is, that the merchant and the farmer will flourish—and the mechanic and tradesmen are to make their fortunes directly, if the Constitution goes down. Is it, sir, because the fear of government is to be carried to Philadelphia? Why, if it is to pay the debts of the yeomanry, and others? Sir, when oil will quench fire, I will believe all this—and not till then: On the contrary, I think the adopting this Constitution, makes against them; though it may be something in favour of the merchants. Have not Congress power to tax polls;—for there is no other way of levying a dry tax;—and by this means, the poor will pay as much as the rich. Gentlemen say we are undone—and that there is no recourse, unless this Constitution is adopted. I cannot see why we need be swallow a great bone for the sake of a little meat, which if it should happen to stick in our throats, can never be got out. Some gentlemen have given out, that we are surrounded by enemies—that we are debt, and take our shipping, &c.—Sir, I ask, if this is a fact? Or whether gentlemen think as they say?—I believe they do not.—For I believe, they are convinced, that the nations we owe, do not wish us at present to pay more than the interest.

Mr. Wedgery, after considering some other observations which had dropped from gentlemen in the course of the debates on the 8th section, concluded by saying, that he could not see the great danger, that would arise from rejecting the Constitution.

The Hon. Mr. Gorham adverted to the suggestion of some gentlemen, that by granting the impost to Congress this State would pay its proportion; and said, that it could be made an objection as much against one government as another. But he believed, gentlemen would accede, that the impost was a very proper tax. As to the tax on polls, which the gentleman from New-Clonester had said would take place, he said, he had no article in the Constitution which warranted the assertion.—It was, he said, a distressful tax, and would never be adopted. By impost and excise, the man of luxury will pay, and the middling and the poor parts of the country, who live by their industry, will go clear; as this would be the easiest method of raising a

revenue, it was the most natural to suppose it would be referred to—so per cent, he said, may as well be paid for some luxuries, as 5—may too per cent. imposed on some articles, might be laid off, as is done in England and France. How often, observed the hon. gentleman, has Mr. Adams tried to accomplish a commercial treaty with England—but they think Congress but a feeble power.—They prohibit our oil, fish lumber, pot and pearl-shells, from being imported into their territories, in order to favour Nova-Scotia.—For they know we cannot make general retaliating laws. They have a design in Nova-Scotia to rival us in the fishery, and our situation at present favours their design. From the abundance of our markets, we could supply them with beef, butter, pork, &c. but they lay what restriction on them they please, which they dare not do, were there an adequate power lodged in the general government to regulate commerce.

Mr. Jones, Col. Porter, and Col. Varon, said a few words in favour of the article;—when the Convention proceeded to the consideration of the 9th sect.

Mr. Neal (from Kentucky) went over the ground of objection to this sect. on the idea, that the slave trade was allowed to be continued for 20 years. His profession, he said, obliged him to bear witness against any thing that should favour the making merchandise of the bodies of men; and unless his objection was removed, he could not put his hand to the Constitution. Other gentlemen said, in addition to this idea, that there was not even a provision that the negroes ever shall be free; and Gen. Thompson exclaimed:—

Mr. President.—Shall it be said, that after we have established our own independence and freedom, we make slaves of others. Oh! Washington, what a name has he had! How he has immortalized himself!—but he holds those in slavery who has a good right to be free as he has—He is still for self; and in my opinion, his character has sunk so per cent.

On the other side, gentlemen said, that the step taken in this article, towards the abolition of slavery, was one of the beauties of the Constitution. They observed that in the Confederation there was no provision whatever for its being abolished; but this Constitution provides, that Congress may after 20 years, totally annihilate the slave trade; and that, as all the States, except two, have passed laws to this effect, it might reasonably be expected, that it would then be done.—In the interim, all the States were at liberty to prohibit it.

Saturday, January 26.

The debate on the 9th sect. still continued, and consisted of similar objections and answers thereto, as had been before said. Both sides deprecated the slave-trade in the most pointed terms, and said it was radically inconsistent, by Mr. Nelson, Messrs. E. K. Mr. Neal, and others, that this Constitution provided for the continuation of the slave-trade for 20 years.—On the other, the Hon. Judge Dana, Mr. Adams, and others, replied, that a door was now to be opened, for the annihilation of this odious, abhorred practice, in a certain time.

The paragraph which provides, that "the privilege of the writ of *habeas corpus* shall not be suspended, unless in case of rebellion or invasion," was read, when

Gen. Thompson said the President, to please to proceed—we have, says he, read the book often enough—it is a consistent piece of inconsistency.

Hon. Mr. Adams, in answer to an enquiry of the Hon. Mr. Taylor, said, that this power given to the general government to suspend the privilege in case of rebellion and invasion, did not take away the power of the several States to suspend it, if they see fit.

Dr. Taylor asked, why this darling privilege then was not exercised in the same manner it was in the constitution of Massachusetts.—Here the hon. gentleman read the paragraph respecting it, in the constitution of this State, and then the one in the proposed constitution.—He remarked on the difference of expression, and asked why the time was not limited.

Judge Dana said, the answer to the hon. gentleman must be, that the same gentlemen did not make them both. He did not see, he said, the necessity, why it should be for a limited time; for, said he, if for six months, the legislature can assemble every six months, and by that means continue it. In his opinion it could not be properly limited as to time; for six months, or even twelve months, might be too short a time; as Congress might suspend the writ, and adjourn;—and during this adjournment, the time of the suspension of the writ might expire—however necessary it was to be kept up.

Judge Sumner said, that this was a restriction on Congress, that the writ of *habeas corpus* should not be suspended, except in cases of rebellion and invasion.—The learned Judge then explained the nature of his writ.—When a person, said he, is imprisoned, he applies to the Judge of the Supreme Court;—the Judge issues his writ to the jailor, calling upon him to have the body of the person imprisoned, before him, with the crime on which he was committed.—It then appears that the person was legally committed, and that he was not bailable, he is remanded to prison; if illegally confined, he is enlarged. The privilege, he said, is essential to freedom—and therefore the power to suspend it,

is restricted. On the other hand, the State, he said, might be involved in danger, the State enemy may lay plans to destroy us, and so on, to prevent any evidence against him, and might ruin the country, without the power to suspend the writ was thus given. Congress have only power to suspend the privilege to persons committed by their authority. A person committed under the authority of this State, will still have a right to this writ.

Monday, January 28.

This, and the two following days, were taken up in considering the several sections of the second and third article.—Every one of which was objected to by those who were opposed to the constitution; and the objections were embraced by gentlemen in favour of it. We cannot in this place, go into a minute detail of the conversation; nor is it essential that we should; as in the speeches on the grand question, the field is again gone over.—We can only say, that with utmost attention, every objection, however trifling, was answered; and that the uncommitted members of the Convention, who were in error, stood without effect. The main objections to the Judiciary Power, are contained in the following speech, delivered on Wednesday, Jan. 30.

Mr. Holmes. Mr. President. I rise to make some remarks on the paragraph under consideration, which treats of the judiciary power.

It is a maxim universally admitted;—that the safety of the subject consists in having a right to a trial as free and impartial as the lot of humanity will admit of.—Does the Constitution make provision for such a trial? I think not: For in a criminal process a person shall not have a right to insist on a trial in the vicinity where the fact was committed, where a jury of the peers would form a judgment of the character of the person charged with the crime, and also to judge of the credibility of the witnesses.—There a person must be tried by a jury of strangers—a jury who may be interested in his conviction; and where he may be reason of the distance of his residence from the place of trial, be incapable of making such a defence, as he is in justice entitled to, and which he could avail himself of, if his trial was in the same county where the crime is said to have been committed.

These circumstances, as horrid as they are, are rendered still more dark and gloomy, as there is no provision made in the constitution to prevent the Attorney-General from filing information against any person, whether he is indicted by the grand jury or not: in consequence of which the most innocent person in the Commonwealth may be taken by virtue of a warrant issued in consequence of such information, and dragged from his home, his friends, his acquaintance, and confined in prison, until the next session of the court, which has jurisdiction of the crime with which he is charged, and how frequently those fellows are to be, we are not yet informed of; and after long, tedious and painful imprisonment, though acquitted on trial, may have no possibility to obtain any kind of satisfaction for the loss of his liberty, the loss of his time, great expenses and perhaps cruel sufferings.

But what makes the matter still more alarming is, that as the mode of criminal process is to be by a jury, but who this jury is to be, how qualified, where to live, how appointed, or by what rules to regulate their procedure, we are ignorant of as yet;—whether they are to live in the county where the trial is; whether they are to be chosen by certain districts; or whether they are to be appointed by the Sheriff or *Magistrate*; whether they are to be for a session of the court only, or for a certain term of time, or for good behaviour, or during pleasure; are matters which we are entirely ignorant of as yet.

The mode of trial is altogether indetermined, whether the criminal is to be allowed the benefit of Council;—whether he is to be allowed to meet his accuser face to face—whether he is to be allowed to confront the witnesses and have the advantage of cross examination, we are not yet told.

These are matters of by no means small consequence, yet we have not the smallest constitutional security, that we shall be allowed the exercise of these privileges, neither is it made certain in the Constitution, that a person charged with a crime, shall have the privilege of appearing before the court or jury which is to try them.

On the whole, when we fully consider this matter, and fully investigate the powers granted, especially given, and specially delegated, we shall find Congress, possessed of powers enabling them to institute judicatories, little less insignificant than a certain tribunal in Spain, which has long been the disgrace of Christianity.—I mean that diabolical institution the INQUISITION.

What gives an additional glare of horror to these gloomy circumstances, is the consideration, that Congress have to ascertain, point out, and determine, what kind of punishments shall be inflicted on persons convicted of crimes; they are nowhere restrained from inventing the most cruel and unheard of punishments, and applying them to crimes; and there is no constitutional

check on them, but that RACKS and GIBETS may be among the most mild instruments of their discipline.

There is no power to prevent Congress from passing laws which, to forestall evidence against himself, and even from establishing laws which shall order the court to take the charge exhibited against a man for truth, unless he can furnish evidence of his innocence.

I do not pretend to say Congress will do this, but, sir, I undertake to say Congress (according to the powers proposed to be given them by the Constitution) may do it; and if they do not, it will be owing to their neglect, it will be owing to the GOODNESS of the MAN, and not to the least degree owing to the GOODNESS of the CONSTITUTION.

The terms of our late Constitution, took particular care to prevent the General Court from authorizing the judicial authority to issue a warrant against a man for a crime, unless his being guilty of the crime was supported by oath or affirmation, prior to the warrant being granted; why it should be otherwise in our new law, to commit Congress with the power of creating laws, which it was deemed just to insert our State Legislatures with, I am unable to conceive. (To be continued.)

H A G U E, November 21.

The following are some of the particulars of the news received from Bois le Duc. That place had been hitherto preserved from pillage, while other towns exhibited scenes of plunder and outrage. But a new garrison having entered, the military, as they had done at other places, were guilty of great excesses, an example which the mob soon began to follow. The rioters began on the 9th instant, by plundering loon beds of several houses.—The plunderer loon bed came general—many citizens, merchants as well as others, were robbed of all their gold, silver, moveables, merchandize, dresses, plate, &c. This horrid outrage lasted for three days successively. The same riotous took place in some rows of Zealand, partly occasioned by the military, and partly by the populace. Zurtzeck is almost entirely rained.

UTRECHT, Dec. 23.

We are informed, that there are persons here, who, by their attachment to the pernicious system of the patriots, as they call themselves, are at this moment employed in furnishing money to several inhabitants of this city to pay their expenses to Brussels, on condition of their continuing. It is asked, under whom these persons are to serve, it may be asserted, with a degree of certainty, that they will be enrolled by the famous *de Lange*, who, it is said, will take upon himself the title of King of those patriots, and make war against our republic as soon as he shall be furnished sufficient in order, if possible, to put himself in the place of the Prince of Orange. It is however to be hoped that our Captain-General, having notice of this project, will put himself in a proper state of defence, and that our sovereignty will be able to crush the viper in the egg.

CHARLESTON, (S. C.) Feb. 4.

By a gentleman from St. Mary's we are informed, that on the 6th December last, a party of Indians came down on the main (Georgia) in the county of Camden, and carried off two women, three children and a negro man.—A party from Cumberland island went in pursuit of them, but before they could arrive, the savages had made their escape.

On the 5th of January an alarm was given, at the island, of a party having come down to the same place, and that they had murdered a Mr. Taylor and Mr. Fordyce, and carried off about twenty head of cattle.

PHILADELPHIA, January 26.

Advices from Europe inform us, that the unfortunate Dutch patriot, who is miserably harassed and insulted by the Orange Party. The new Constitution of the United States, we think, will be found a blessing to many of the unfortunate friends of liberty.

ON Saturday last, upon the news of the ratification of the Federal Constitution by the powerful and patriotic State of Massachusetts, the bells of Christ-Church were rung, and congratulations of joy have appeared in every part of the city for several days past.

A correspondent writes the public of Pennsylvania to compare the generous manly conduct of the minority of Massachusetts, with the pitiful low industry of the majority of Pennsylvania. Even though at first inimical to the Constitution, they could not be kept out-voted, they could not see the bread of peace, and drink the glass of friendship with their friends in 1790—and they could even declare with transport, they were beaten.—They were out-voted—but at their return to those who honoured them with their choice, they would recommend peace and harmony, union and submission. But with the incendiaries of our own State even refused to band of friendship, the signature of confederacy, and the social feast, which bind man and man together, they not only added neglect to their malicious refusal, but strove to spread dissension, and to raise rebellion among their constituents.

We thank you as to a band of brothers.—Respect you as the labourers of your country.—And pray the head of all confederations.—To be saviour of the sun, the moon, the stars, and all which feels his forcible command, in one firm, fait-bond mass of general union.—TO SLAVE YOU.

ELIZABETH-TOWN, Feb. 27.

A letter from Portarlington, in Ireland dated November 24, says, "I was yesterday a spectator of one of the most melancholy and distressing scenes I have ever beheld, occasioned by the present floods, which I suppose have done equal, if not superior damages through many parts of this kingdom. Here the oldest inhabitant never remembers to have seen any thing in the least degree equal to what they experienced yesterday."

On Saturday last it commenced with a violent and continued rain, which did not abate till the night following; at which time the water rose considerably, but nothing to alarm us. On Tuesday morning the 13th instant, the mountain flood came down with such astonishing rapidity, as to choke the great bridge, which divides the King and Queen's county in this town; before time to clock it actually stopped all the arches, and ran with violence across the battlements for a considerable distance, as that hour I was by going to Mr. William Montgomery, near Rathgarra, rashly undertook to cross it, with two horses and a cart of mine, a bunch of iron from Dublin unfortunately took advantage of the cars and got on one of them; they had scarcely got two yards on the bridge, when they were all washed over by the flood, the poor cattle, from the abundance of the cars, could make no resistance, and instantly perished; nor did the efforts of men avail any thing, for in a few minutes they shared the same unhappy fate. In the mean time the torrent, unable to remove the obstruction it met with (as our bridge is amazingly strong), recoiled with unpeppable fury, and overturning several great walls which opposed it, formed for itself a new and unthought of course, taking it's destructive way immediately through the Red Lion Inn and the houses for above 120 yards beyond that place, marking that in a few minutes it flowed in at the windows of the ground floors, and threatened immediate destruction to the terrified inhabitants. This was indeed a melancholy picture and such a one as I shall ever remember with terror and pity. The fury of the water increased every moment, sweeping with violence all before them, while the shrieks of the women and children from the windows of those houses which we imagined would tumble instantly, rendered the scene terribly affecting. We could procure no boat for their relief, but many bold men ventured to catch them as they dropped from their windows: the aged and infirm suffered much, and indeed made a large number of those who were injured. Fortunately no lives were lost here, but a vast deal of private property has suffered considerably. Large quantities of turf, corn, hay, potatoes and timber, were carried away, together with household furniture, &c.

It fell as it were, rapidly, and yet at six o'clock yesterday evening there was a current through the hall of the Red Lion Inn sufficient to turn the largest mill. This morning it has entirely abated, but things wear a melancholy appearance in those parts which suffered; many small houses thereabout are in ruins—the streets in many places plowed in with water. The horses which were drowned were washed ashore, and boats were employed to drag the river for the men who were drowned.

BOSTON, March 5.

The remains of his Honour the Lieutenant-Governor, (whose death we mentioned in our last) were on Monday last entombed.—At three o'clock the Funeral Procession moved in the following order.

Independent Cadets, commanded by Col Bradford, with revolved arms—officers in epaulettes and buff coats, and a brass band playing a solemn march.

OFFICERS.

Of Cavalry—Light-Infantry—Republicans Volunteers—Artillery—of the Boston Regiment.

The President.

And Fellows of the Corporation of Harvard College.

Students.

Hon. Mr. SULLIVAN, Hon. Mr. DAWES, Hon. Mr. WARREN, J. SCOLLAY, Esq. Hon. Mr. BOWDWIN, Hon. Mr. ADAMS.

On the coffin were his Honour's sword, gorget and faith, Mourners—two and two.

Officers of Cadets Williams, in mourning.

High-Sheriff.

Hon. Judges of the Supreme Judicial Court, in fustian robes.

Honorable Council.

Hon. Senate.

Hon. House of Representatives.

Chicks.

The Governour's Aid-de-Camp.

Clergers two and two.

His Excellency the GOVERNOUR, in a coach, with the Lady of the deceased, and six attendants.

30 Carriages, closed the Procession.

In this order the procession moved through the centre of the town, to the common burial ground; when the head of it arrived at the grave, the Independent Cadets opened their files, and reeled on their arms reverent, until the other part of the procession passed through. The remains were then entombed under the discharge of three volleys from this corps; the survivors were discharged at Castle William, during the whole process of the Burial.

NORTHAMPTON March 12.

Extract of a letter from Petersburg Virginia Jan. 14, 1788.

"When I wrote last, the sacred flame was just beginning to spread. Mr. L. the student in Brunswick circuit, conjectures that from 1800 to 2000 souls have been there converted to GOD since last spring. Mr. C. is of opinion that between 1700 and 1800 have experienced the same work of grace in Suffolk; and Mr. H. thinks there are not less than between 800 and 1000 souls made partakers of the same blessing since the spring in Amelia.

"Many Christians have had severe exercises of mind respecting the great noise which has attended this work of GOD. Some thought it would not be divine; yet from its efforts, they dare not ascribe it to Satan; but when the LORD broke in upon their own families, these prejudices were removed, and they began to bend on the flowerns of their hearts to believe; by which means they fell into the spirit and temper of a little child, and desired nothing but that the will of GOD should be done. The consequence of this gospel temper is—lavatory, that *American giant*, has, with many, received a mortal stroke. It is worthy of observation, that many gospel hardened, old, orthodox sinners have, as mighty oceans been felled. And many high tories, have been bowed down to the dust; yes, literally bowed down to the dust. Soon after writing my last, I was at two quarterly meetings, at which, in the course of some days it was computed that 500 souls were justified by faith and had peace with GOD through JESUS CHRIST. From 15 to 20 souls have been commonly converted to GOD in a day, under Mr. K. and Mr. E. and indeed under almost any one that preached.

"There has been a singular work among the children of the Methodists; hundreds of them have been converted to GOD. And it is no strange thing with us now, for children from seven years old and upwards, to experience a work of grace."

DEAD, last Monday morning, after a long Indisposition, JOSEPH HAWLEY, Esquire, in the 67th year of his age.

FROM THE PENNSYLVANIA MERCURY.

A NEW SONG.

T H E "vention did in Boston meet,
But State-house could not hold 'em,
So then they went to Federal street,
And there the truth was told 'em—
Yankee doodle, keep it up!
Yankee doodle, dandy,
Mind the music and the step,
And with the girls be handy.
They every morning went to prayer,
And then began disputing,
'Till opposition glenc'd wire,
By arguments refuting.
Yankee doodle keep it up! &c!
Then 'Iquire Hancock like a man,
Who dearly loves the nation,
By a conciliatory plan,
Prevented much vexation.
Yankee doodle, &c.
He made a wondrous federal speech,
With fame and elocution;
And then the "vention did beseech
T' adopt the Constitution.
Yankee doodle, &c.
The question being outright put,
(Each voter independent)
The Federalists agreed to adopt,
And then propose amendment.
Yankee doodle, &c.
The other party feeling then
The people were against 'em,
Agreed like honest faithful men,
To mix in peace amongst 'em.
Yankee doodle, &c.
The Boston folks are deuced lads,
And always full of notions;
The boys, the girls, their maags and dads,
Were fill'd with joys confessions.
Yankee doodle, &c.
So 'I straightway they procession made,
Lord! how nation fines Sir,
For ev'ry man of ev'ry trade
Went with his tools—'to dine, Sir,
Yankee doodle, &c.
JOHN FOSTER, WAZ LIVES in a ship,
Join'd 'em in the social band, Sir,
And made the lasses dance and skip,
To see him sail on land, Sir,
Yankee doodle, &c.
Oh then a whopping feast began,
And all hands went to eating;
They drank 'ill their roasts, shook hands and fed,
Huzza! for 'vention meeting.
Yankee doodle, &c.
New politicians of all kinds,
Who are not yet decided,
May fee h'w Yankees speak their minds,
And yet are not divided.
Yankee doodle, &c.
Then from this simple text I can recite,
Inflammatory writing,
For FORTON, HARRISS and FRANK,
Is better for than fighting.
Yankee doodle, &c.
So here I end my fed 'ral song,
Compos'd of thirteen verses,
May agriculture flourish long,
And commerce fill our purses!
Yankee doodle, &c.