

arbiters spirits excepted—And that congress will not lay direct taxes within this State, but when the monies arising from the impost and excise shall be insufficient for the public exigencies, nor then, until Congress shall first have made a requisition upon this State, to assess, levy, and pay the amount of such requisition, made agreeable to the census fixed in the said Constitution, in such way and manner as the Legislature of this State shall judge best; but that in such a case, if the State shall neglect or refuse to pay its proportionate part to such requisition, then Congress may assess this State proportionally, together with interest at the rate of six per centum per annum, from the time at which the same was required to be paid.

DONE in convention, at Poughkeepsie, in the County of Dutchess, in the State of New-York, the 20th day of July, in the Year of our Lord, one thousand seven hundred and eighty-eight.

By order of the Convention,  
GEO. CLINTON,  
President.

Attended,  
JOHN McLESSION, } Secretary  
ARM. B. BANCKER, } Secretary

Occurrence in Convention the same day, before the Constitution was ratified.

The question being called, and the yeas and nays required, Mr. Livingston rose, and made the following address.

Mr. President,

I hope for indulgence from this honourable house that I may briefly state the reasons which actuate me, for taking the part I do in the business before us—The great and final question on the Constitution is now before us. Permit me first to say, that I have had a severe struggle in my mind, between duty and prejudice.

I entered this house, as fully determined on previous engagements (I sincerely believe) as any one member in it. Nothing first, but conviction that I am serving the most essential interests of my country, could ever induce me to take another ground, and still further from so many of my friends on this floor. I think first in this, pursuing the object I had at first in view; the real Good of my Country. With respect to the Constitution itself, I have the same idea of it I ever had—that is, there is no safety under it, unless amended. Some time after we first met, a majority of those in this house who oppose it, did determine not to reject it. Only one question then remained—Which was the most eligible mode to ensure a general Convention of the States, to reconsider it; to have the essential amendments ingrafted into it.

I do not here mean to urge on this head—but only to say, that on the most mature and deliberate reflection on this momentous occasion, the result of my judgment is—that the adoption on the same, with the bill of rights and amendments contained in it, and the circular letter to the different States accompanying it, is, considering our present situation with respect to our sister States, the wisest and best measure, we can possibly pursue. I shall therefore vote for it.

As an American, I am proud of my country—as a Whig, I love it, and feel the duty of asserting its rights and freedom to the utmost of my power. And first, considering my situation in this house—as a representative of a respectable country—I feel the weight of duty increasing in a reasonable proportion.

Sir, I know I was elected a member of this Convention, from a conviction that the people had in my integrity. And first, I am giving them an unequivocal answer of it. The people of the country have the honour to represent, are in general, thinking and sensible—and have not the least doubt, but that they soon will if they are not prevented, do not, see the propriety of the measure here proposed.

But first, I would beg leave to mention another consideration, of a nature infinitely superior to any thing, which possibly can be put in competition with it, as a motive of action—in approving conscience, and an approving God—I must hereafter stand at a bar, where if the most trifling conduct must be accounted for (and which I fully believe) surely this most important transaction of life will be strictly scrutinized.—To that as a free being, who will there present himself with due submission and humility, appeal for the rectitude of my intentions. I hope first, the house will pardon me, for having been so personal in this address; I owe it to them as well as to myself.—I especially to a part of one side of the house, who I have no doubt, are actuated by the purest motives—and are equally conscientious with myself, on this occasion—and with whom, and every friend to this country, I will steadily persevere, in every possible means to procure this desirable object, a revision of the Constitution.

For a consistency in conduct, to this honourable house, to my constituents, and to my country on this occasion, with the utmost cheerfulness I submit myself.

Mr. Livingston having concluded, Mr. Winzer from Orange, made a short address; after stating a few reasons, having reconsidered the above ratification, said he should not give his assent to it.

The yeas and nays being then taken, it was carried in the Affirmative in the following manner, viz.

For the Affirmative,  
Mr. Jay, Mr. Ebert, Mr. Hamilton, Mr. R. Livingston, Mr. Roosevelt, Mr. Duane, Mr. Harrison, Mr. Low, Scudder, Mr. Hewitt, Mr. I. Smith, Mr. Jones, Mr. Schuch, Mr. Lawrence, Mr. Carman, Mr. Leferts, Mr. Vanderveer, Mr. Bancroft, Mr. Ryerly, Mr. L. Morvay, Mr. Conroy, Mr. Hatfield, Mr. Van Cuylenburg, Mr. Crane, Mr. Sorls, Mr. Woodhull, Mr. Platt, Mr. A. Smith, Mr. G. Livingston, Mr. D'Witt.

For the Negative,  
Mr. R. Yates, Mr. Lansing, Mr. Oshnudi, Mr. I. Thompson, Mr. Tridwell, Mr. Cantine, Mr. Schunmaker, Mr. Clark, Mr. J. Clinton, Mr. W. Knapp, Mr. Haring, Mr. Winer, Mr. Wood, Mr. Swatwout, Mr. Linn, Mr. Hooper, Mr. Fry, Mr. Veeder, Mr. Starving, Mr. Parker, Mr. Williams, Mr. Baker, Mr. Hopkins, Mr. Van Neff, Mr. Bay, Mr. Legate.

For the Affirmative, 30  
For the Negative, 27

After ratifying, his Excellency the President, according to notice given last Thursday, accredited the Convention very politely: The purpose of which was that until a Convention was called to consider the amendments now recommended by this Convention, the probability was, that the body of the people who are opposed to the Constitution, would not be satisfied—He would however, as far as his power and influence would extend, endeavour to keep up peace and good order among them: To which the members and spectators were very attentive—and more than a common pleasantries appeared in their countenances.

A circular letter, addressed to the Executives of the other States, was then read, and agreed to, earnestly requesting them to co-operate with this State in obtaining a re-consideration of the amendments annexed to the said ratification, by a convention to be called for the purpose, by a Convention of the States, and the Convention adjourned. The amendments recommended, will be published as soon as possible.

LONDON, May 27.

Authentic advices from France, received yesterday, state, that the opposition to the king's orders advances so rapidly, and has already assumed so formidable a shape, as to give the most rational hope of his being able to rescue the country from the doom with which it was menaced.

At Bourdeaux the orders were opposed without any public clamour. The protest was entered with great firmness, and the Assembly are to unanimously fix in their opposition, as to give confidence to the province that they will act as they ought.

In Bratsene a measure of exemplary spirit has been almost unanimously taken. The nobles have made a solemn resolution, that any person of the province who shall accept of any office in the Court Pleniere, as devised by the king, shall be forever infamous, and incapable of holding any office, or enjoying any privilege of rank to which might be otherwise be entitled in that great province.

At Besancon an incident happened, which touched the sensibility of the citizens, and confirmed the resolution more than the most tumultuous uproar could have done. M. le Comte de St. Vaux, the commandant, went to the Assembly who were met to oppose the registry of the edict, while the house was surrounded by an indignant people. He went to this scene without guards, without assistance of any kind, and having ordered the king's arrest to be read, he burst into tears and left the Assembly.

Every province of France, and every court concur in the opposition. Even Charles protest against the orders, and the edict was carried by force.

The intelligence of this begins to manifest itself. We have good authority for saying, that a negotiation is actually begun between the court, and the leaders of the opposition, to give to France, what it always claimed, but never truly enjoyed, an independent representation in the Court Pleniere. The outline of the plan has transpired, and its aspect is good, though undoubtedly like all other compacts, where the strength of the parties are not equal, it is defective in reciprocity. According to this scheme the house of representatives would consist of about 200.

The letters addressed to the French King, by the different parts of France, mention his late proceedings, as a total subversion of the established constitution.

A letter from Rouen in France says, that the members of Parliament are made prisoners in their own houses, a centinel being placed at each of their doors. No person is allowed to go in without being first examined, and suspicious persons searched.

Saturday arrived the mail from Holland, by which we learn, that the Duke of Brunswick died suddenly on the 12th of this month, at his

palace at Eysenack, in the 70th year of his age; and that the disturbances still continue at Braggas, to such a degree that the Bishop of Ratis arrived himself on the night of the 8th, expressed at Versailles, to communicate the news to his most christian majesty. The good Bishop had travelled with such expedition, that he had performed the journey from Rouen on horseback, in 36 hours.

Yesterday goods to the amount of 60,000 were entered at the custom house for Charleston, S.C.

BALTIMORE, July 25.

Last Wednesday night came on the severest storm ever experienced here at this season of the year. The wind at N. E. blew with unobscured fury (accompanied with heavy rain) for upwards of twelve hours, which occasioned a most dreadful inundation of the sea, that deluged all the wharves, stores and low grounds near the Bay and at Fell's point, producing a scene of horror and devastation not to be described. The industrious merchant held with him, in consequence of the fruits of his industry, in some measure destroyed by the rage of combined elements. Immense quantities of sugar, rice, salt, dry goods and other valuable merchandise were totally ruined. The damage cannot at present be ascertained with precision; but it is estimated fifty thousand pounds specie. While the contemplative mind, reflecting on the awfulness of the scene which displayed the amazing power of the God of nature, and the feebleness of man, gratitude toward him, who rules the whirlwinds and directs the storm, must have been excited in every feeling breast that the winds and waves were mercifully restrained from further ravages.

An Account of the disturbances in the State of Franklin.

NEW-YORK, July 25.

Extract of a letter from a gentleman in Washington county to his friend in Philadelphia, dated June 20.

The convulsions that have taken place in Franklin State has raised it to the foundation, and is totally given up by its warmer friends. The manner it was brought about, and the quarrel between a Col. Tipton and his Governor Saverre, like the the disciples of old, who should be greatest. Tipton was warmly in favour of the new State at first setting out, but not getting highest in commission he apostatized and got authority from the old State to enforce the laws of North-Carolina. This made the Governor and him town enemies. They met, and stood some time with their rifles cocked at each other's breasts, damning each other to fire; it however they mutually declined. He stands many who were warmly in favour of the new State became irated, they got under arms, and joined the governor in supporting the new government, and dejected Tipton in his own mind. A large majority of the people are being tired of the new State, and under the influence of Upper Col. Cled, numbers of whom I am acquainted with, as I live within a few miles of the highest mountain, a rapid march, came on Saverre about the first of day and completely surprised him, raised the fire, and Tipton's men falling out of the battle a smart skirmish ensued, but being overpowered by numbers, and taken off their guard, Saverre party gave way and some were made prisoners. Unfortunately some good men fell a sacrifice to the ambition of designing men. The governor fled before the mouth of French Broad out of the lines of Carolina where his warmest friends. Matters seem now pretty well settled, and the laws of the old State established.

Unhappily an Indian war is broke out, which will bring direful consequences to the frontier. The fault however is on the side of the whites. Our people were settled with and still kept encroaching on the Cherokee towns; and still kept encroaching, a fine body of land lying about the town, which our people could not well come at without picking a quarrel with the Indians, and thereby killing some people killed and some horses stolen (which from the best information was done by the Creeks.) General Martin, who is superintendent of Indian affairs for that State, was to their towns to know whether they were transferred; but our people had not patience to wait the issue, but fired on the town while he was in it. He laid the blame on some headstrong young men, and got them pretty well chastised; and they resumed their business; but shortly they again fired on the town, upon which squaw, and wounded others, upon which General was made a prisoner and charged with deceiving them, but as he is a gentleman of excellent address, he found means to persuade the Indians of his innocence, and they let him go; but he had many of their men been killed him, and had some for theirs. This I had from General with whom I am very intimate. He showed me letters he had received from a young chief of the Creeks, who is a high school writes sensibly, is half blood, and has had a liberal education. He is the son of a Scotchman. He informs the General that he has been having, satisfactorily re-established for some of

people who were killed at a French store, near the Mussel Shoals. He appears to have a great enemy to Georgia, and says if Congress do not immediately send commissioners in their behalf, he will march 5000 men into that country, and lay waste—and many other high threats. But he returns to the Cherokees, they left their town to which the whites had approached to near town; and upon which governor Saverre came and burnt it; upon which one of the bodies about 100 men and went to one of the principal towns, completely surprised them, and from different accounts killed upwards of 40 men besides women and children, and burnt their town and destroyed it. Several of their chiefs fled to their council house and were burnt, others took to the river and were shot; so that they were completely defeated, and he is now returning without the loss of a man killed or wounded. He is shortly to set out against the Chickasagoes. This information I believe you may be acquainted upon, as I have been particular in collecting it from several who are just from thence. And there is an expedition of 10000 men under General Martin, to go against them immediately after harvest. From a number of gentlemen in Kentucky, we learn there have been very troublesome times there with the Indians—a company was fired on lately going through the wilderness, but no damage done.

BOSTON, August 6.

It is yet doubtful at which place the new government will commence proceedings, New-York or Philadelphia. The latter cannot much expect the honour, seeing they once permitted a lawless rabble to insult the sovereign power of the union, with impunity.

Mr. Garrison never prospered—says poor Richard. From St. John's, in New-Brunswick, we learn, that on the 18th ult. a large store, belonging to Benedict Arnold, was destroyed by fire. The loss is computed at 5,000,000. As Arnold was the late Arnold received, it seems that his mother—Satan—has now demanded the principal, and 500,000, as interest on the price of his apostasy. A son of Mr. Arnold was so much burnt, that his life was despaired of.

The Convention of North-Carolina did not meet until the 21st ult. although erroneously mentioned in the papers to meet on the 4th.

NORTHAMPTON, August 13.

The confederacy formed between the Emperor of Germany and the Empress of Russia, is one of the most formidable recorded in the annals of mankind: And what renders it more remarkable, it seems to have been framed upon no principle of national justice or security: but with the savage resolution (almost openly avowed) of extinguishing an established, and to them inoffensive, potentate from the political system of Europe; who holds in his dominions upon, at least as just and honourable a tenure, as they can possibly boast of.—These powerful confederates, though differing in sex and character, are congenial at least in the sentiments of exorbitant ambition. The Russian, with a masculine vigour of mind; has alternately sullied and adorned, by her vices and virtues, the throne of her Barbarian predecessor; while the Austrian, bold and firm in his conduct, but untaught with the weak knacks of superstition; has hitherto confined his political enterprises chiefly to dissipation of the church. The Imperial associates have at length commenced their operations; but, by the accounts hitherto received, without much success. Their force, inferior in point of numbers to the army of Xerxes, infinitely exceeds in its vigour and discipline. But the political alliance of Russians and Austrians cannot boast the unanimity of the Persian multitude; and, should disunion once find its way into the confederated camps, adieu to all the flattering hopes of conquest and renown. Their enemies, it must be admitted, are not inspired with that ardent love of liberty, which actuated the Grecian republics of old against the Persian invader; but they are animated in battle with an enthusiasm unknown to the troops of other nations.—The union of two potentates is an alliance of interests, not of affection; and, independently of the numerous accidents by which the success of their enterprise may be affected, it will be found no easy task to conduct the operations of an offensive war upon any determinate

plan, that will suit alike the extreme avidity of both parties. They have excited the attention of the world by their military preparation, and may at last pounce its derision.

A society for the abolition of the Slave Trade, has lately been instituted at Paris—in imitation of these in Philadelphia and London. The society is composed of about 300 members—and among others, in the list of names, we with pleasure see those of the Marquis de la Fayette, Mr. St. John de Crevecoeur, Mr. De Warville, and many other noblemen and gentlemen—and many merchants of distinction.

DIED, at Williamsburgh, on the 30th ult. Mr. Aaron Graves, aged 81, had 14 children, 25 grand-children and 34 great-grand-children.

In this town, yesterday morning, Mrs. Sybil Pomeroy, consort of Major Daniel Pomeroy, in the 48th year of her age—her funeral will be to-morrow at 2 o'clock, P. M.

From the CENTINEL.

Passaic, August 10, 1788.

ON Friday last, before the Supreme Judicial Court, came on the trial of John O'Neil, in the murder of Michael Clary of Bristol, in the County of Lincoln, his friend and benefactor. Perhaps there never was a murmur attended with a more flooding train of aggravated circumstances than this. O'Neil was one of these Irish cowards who landed, not long since, upon the eastern shore, and straggled about for some time until Clary, out of compassion, took him home to his house. Clary was somewhat advanced in years, and having no family, which perhaps induced him the more to take into his bosom his murderer. They had lived together, about six weeks, when O'Neil turned a villain of enjoying Clary's estate; and for that purpose he forged a will, purporting to be a will from Clary to O'Neil; and left he should not wise one having enough, he went further still and got furnished to examine it, and said that Clary had induced him to write his will, which he was induced to make, as he apprehended that the murderer would make alterations in it, and added something which he thought necessary, without which he would not have perpetrated the horrid murder. The day before this tragical event, O'Neil, the more to conceal his intentions, went several miles and sold some of Clary's friends that he did not think he would live long, for he was very sick. The same evening he returned home (which was the 15th day of February last) and put into execution his horrid purpose. It is somewhat uncertain how or in what manner he murdered him: However, the wound on the back of the head, which denuded by the pole of an axe or a spit which was found in the house—The next morning O'Neil put on Clary's clothes, and went towards 15 miles before he informed any body of Clary's death; when he came to some of Clary's friends, he informed them that he died the evening before of a wound which he received by a fall upon the ice; and that before he died he ordered him to take his money and purchase him a suit of cloths, and six gallons of rum for the funeral; and not to suffer any body to know of his death or attend his funeral but only a particular friend or two. On their arrival at Clary's house, without suspecting any thing of the murder, they soon discovered marks of violence sufficient to convince them that an inquiry should be commenced, which was immediately done, and they brought in their verdict, a wilful murder. Upon questioning O'Neil concerning Clary's death, he avowed his innocence, and alleged that the evening before Clary being somewhat unwell, went out to go to the front of the neighbours and fell upon the ice, and bruised the back part of his head. That upon his return home, he went to a brook to get some water and plunged in and waded himself and likewise made another wound on his chin. Now upon examining the body, it appeared that the wounds had been carefully washed, his shirt taken off and blood washed out, but put on wrong side out; so that there was every circumstance possible to convince the world that O'Neil was the murderer. Upon this ground he was apprehended and kept in cloths confinement until his trial.

This being the first capital crime in the county, it drew together a numerous concourse of spectators; and the solemnity of the occasion was heightened by the able and spirited defence made by General Lightfoot, who was assigned by the Court as counsel for the prisoner. The jurist took up the most part of the day; and when the jury returned they declared they could not agree. One of them, a good man, seemed to think that he ought not to give his voice against the prisoner, because there was no positive evidence. The jury were then asked by the Court, whether they would wish to ask any questions on the subject? Their answer was they did not.

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The Chief Justice then very ably fluted to them what evidence was sufficient for conviction. After which the jury went out, and soon returned again, with their verdict, "guilty."

ON Tuesday last he received sentence of death without the least perturbation of mind.

Commonwealth of Massachusetts.  
By his EXCELLENCY  
John Hancock, Esq.  
Governor of the Commonwealth of Massachusetts.

A Proclamation,  
For Proroguing the General Court.  
WHEREAS the General Court of this Commonwealth stands prorogued to Wednesday the third day of September, one thousand seven hundred and eighty eight, at ten o'clock in the forenoon, to meet at the State House in Boston, but there being nothing at present in prospect that will require their meeting at that time—

THEREFORE I HAVE thought fit, by and with the advice of the Council, further to prorogue the said General Court, and the same is accordingly prorogued unto Wednesday the eighth day of October next, at ten o'clock in the forenoon, then to meet at the State House in Boston; whereof all the Members of the said Court, are required to take notice, and govern themselves accordingly.

And the Sheriffs of the respective counties, their Deputies, and Constables of the several towns, are required to publish this Proclamation within their respective districts.

GIVEN at the Council Chamber in Boston, this sixth day of August, in the year of our Lord, one thousand seven hundred and eighty eight, and in the thirteenth year of the Independence of the United States of America.

JOHN HANCOCK.

By his Excellency's Command,  
JOHN AVERY, jun. Secretary.

Solomon Allen,

Has for sale, at the Store lately occupied by Hansworth Cole, near the Liberty-pole in Chestnut-Street.

WEST-INDIA RUM, by the boghead of West-India Rum, in the County of Lincoln, his friend and benefactor. Perhaps there never was a murmur attended with a more flooding train of aggravated circumstances than this. O'Neil was one of these Irish cowards who landed, not long since, upon the eastern shore, and straggled about for some time until Clary, out of compassion, took him home to his house. Clary was somewhat advanced in years, and having no family, which perhaps induced him the more to take into his bosom his murderer. They had lived together, about six weeks, when O'Neil turned a villain of enjoying Clary's estate; and for that purpose he forged a will, purporting to be a will from Clary to O'Neil; and left he should not wise one having enough, he went further still and got furnished to examine it, and said that Clary had induced him to write his will, which he was induced to make, as he apprehended that the murderer would make alterations in it, and added something which he thought necessary, without which he would not have perpetrated the horrid murder. The day before this tragical event, O'Neil, the more to conceal his intentions, went several miles and sold some of Clary's friends that he did not think he would live long, for he was very sick. The same evening he returned home (which was the 15th day of February last) and put into execution his horrid purpose. It is somewhat uncertain how or in what manner he murdered him: However, the wound on the back of the head, which denuded by the pole of an axe or a spit which was found in the house—The next morning O'Neil put on Clary's clothes, and went towards 15 miles before he informed any body of Clary's death; when he came to some of Clary's friends, he informed them that he died the evening before of a wound which he received by a fall upon the ice; and that before he died he ordered him to take his money and purchase him a suit of cloths, and six gallons of rum for the funeral; and not to suffer any body to know of his death or attend his funeral but only a particular friend or two. On their arrival at Clary's house, without suspecting any thing of the murder, they soon discovered marks of violence sufficient to convince them that an inquiry should be commenced, which was immediately done, and they brought in their verdict, a wilful murder. Upon questioning O'Neil concerning Clary's death, he avowed his innocence, and alleged that the evening before Clary being somewhat unwell, went out to go to the front of the neighbours and fell upon the ice, and bruised the back part of his head. That upon his return home, he went to a brook to get some water and plunged in and waded himself and likewise made another wound on his chin. Now upon examining the body, it appeared that the wounds had been carefully washed, his shirt taken off and blood washed out, but put on wrong side out; so that there was every circumstance possible to convince the world that O'Neil was the murderer. Upon this ground he was apprehended and kept in cloths confinement until his trial.

WANTED a quantity of good and well dried GINSENG—also a quantity of Red and White CLOVER SEED—for which articles a generous price will be given in any kind of Goods, by

WILLIAM MOORE.  
N. B. The best method of curing this Rum, will be to bring and hang it in an upper room, or a garret, where it will be free from the sun, where it may have a free air.—This may serve as a caution against curing of the root by the heat of the fire, as it will absolutely ruin it in any market in America.

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