founded upon the custom of amending acts by additional acts, to explain and amend preceding acts, a custom which involves endless perplexities, and has nothing in reason to recommend it. I hope sir, the motion will not obtain.

Mr. Clymer advocated the motion.—I wish, Sir, that the Constitution may forever remain in its original form, as a monument of the wisdom and patriotism of those who framed it.

Mr. Stone was in favour of Mr. Sherman's motion. If Sir, said he, the amendments are incorporated in the instrument, it will afirm that which is not true—for this Constitution has been signed by the delegates from the several States as a true instrument—& therefore in this case we must go further, and say, that a constitution made at a time, was defective, and George Washington over, and those other worthy characters who signed this instrument, cannot be said to have signed the Constitution.—According to the observation of the gentleman from South-Carolina, respecting repealing laws to make, a compleat act, we must repeal the Constitution in order to make a new one—but will any gentleman say that this legislature has authority to do this? To incorporate these amendments, the Constitution must however be repealed in part at least—The moment we prepare ourselves to do this, there is an end of the Constitution, and to the authority under which we act. Mr. Stone then replied particularly to the inference drawn by Mr. Smith from the passage which he had quoted from the Constitution, and observed, that the words could not imply any thing more than this, that such amendments, when adopted, agreeably to the mode pointed out, would be equally binding with the other parts of the system to which they do not specially refer.

Mr. Gerry enquired whether the mode could make any possible difference in the validity of the system, provided the sanction as the same—he conceived it could not—The constitution in my opinion, said he, has provided that amendments should be incorporated—the words are express, that they shall become "*part* of this constitution." The gentleman, (Mr. Stone) says we shall lose the names of the worthy gentlemen who subscribed the constitution, but I would ask, whether the names would be of any consequence, except the constitution had been ratified by the several States? or will the system be of no effect since it is ratified, if the names were now erased?—If we adopt the mode proposed, we shall in all probability go on to make supplements to supplements, and thus involve the system in a maze of doubts and perplexities.—It appears to me, that in order that the citizens of the United States may know what the constitution is, it is necessary that it be comprized in one uniform, entire system.—If the amendments are incorporated, the people will have one constitution; but if they are added by way of supplement, they will have more than one: And if in the original system there should any clauses be found which are inconsistent with the added amendments, the government will be compounded of opposite principles, both in force at the same time.

Upon the idea of gentlemen, as to the sacredness of the original system, if amendments are made upon their plan, they will be considered in a point of light inferior to the original; in this view, amendments are of no consequence, and had better be omitted.—This would tend to defeat the salutary purpose of amendments altogether, by derogating from their dignity and authority.

Mr. Laurence was in favour of the motion made by Mr. Sherman—he said, it appeared to him impossible to incorporate the amendments in the constitution without involving very great absurdities in the supposition—if they should be engrafted in the body of the system—if they should be engrafted in the body of the constitution, it will make it speak a language different from what it originally did—What will become of the laws enacted under the instrument as it originally stood?—Will they not be vitiated thereby? The ratification of the several states had respect to the original system.—It is true that a majority of them have proposed amendments, but this does not imply a necessity of altering the original, so as to make it a different system from that which was ratified.—The mode proposed by the motion is agreeable to custom—it is the least liable to objection, and appears to me safe and proper.

Mr. Benson observed, that this question was agitated in the select committee, and the result is contained in the report now under consideration—It should be remembered, that the ratifications of several of the States enjoined the alterations and amendments in this way; they propose that some words should be struck out, and the sentences altered—I do not conceive that incorporating the amendments can affect the validity of the original constitution,—that will remain where it is, in the archives of Congress unaltered with all the names of the original subscribers.—The amendments are provided for in that instrument, and the compleating those amendments is compleating the original system—the records of the legislature will inform how this was done,—and for my part, I can see no difficulty in proceeding agreeable to the report of the committee.

Mr. Page said that he supposed that the committee of the whole is now acting upon the constitution as upon a bill—and they have a right, said he, to take up the subject paragraph by paragraph.

I am opposed to the amendment of the preamble of the constitution as proposed by the committee, as well as to the motion of the gentleman from Connecticut—I could with therefore that we may not consume time in settling the meer form of conducting the business—but proceed, after rejecting the first amendment, to consider those that are subsequent in the report.

Mr. Livermore replied to Mr. Page—he said, that with respect to the constitution, the committee stood upon quite different grounds from what they did when discussing a bill, and he contended that it is not in the power either of the legislature of the United States, or of all the legislatures upon the continent to alter the constitution, unless they were specially empowered by the people to do it.

Mr. Jackson advocated the motion of Mr Sherman.—he said, if we repeal this constitution we shall perhaps the next year have to make another—and in that way the people will never be able to know whether they have a permanant constitution or not.—The constitution in my opinion ought to remain sacred and inviolate—I will refer to the constitution of England—Magna Charta, has remained as it was received from King John to the present day, and the Bill of Rights the same; and although the rights of the people in several respects have been more clearly ascertained and defined, those charters remain entire: A constitutional privilege has lately been established in the independence of the judges, but no alteration in the constitution itself was thought proper. All the amendments are supplementary—the sacred deposit of English liberty remains unaltered, though defects have been supplied and additions made. The constitution of the United States has been made by the people; it is their own act, & they have a right to it—I hope we shall not do any thing to violate or mutilate it.

I therefore heartily join in the motion for striking out the words and adopting the mode proposed by the gentleman from Connecticut.

Several of the gentlemen spoke repeatedly upon the subject, time will not admit of our enlarging further.—The question on Mr. Sherman's motion being taken, it passed in the negative.

A doubt was then raised, whether it was necessary that the article in the Constitution which requires that two thirds of the legislature should be attended to by the committee?—this occasioned a debate—an appeal was made from this judgment to the house and on the question being put, whether the chairman's decision was in order, it passed in the affirmative.

The committee then rose reported progress, and had leave to sit again to-morrow.

Adjourned.

FRIDAY, August 14.

Hon. Abiel Foster, member from New-Hampshire, appeared, was qualified and took his seat in the house this day.

In committee of the whole on the subject of

AMENDMENTS.

Mr. Trumbull in the chair.

The first amendment was again read, which was to fix to the introductory paragraph, these words, "Government being derived from their authority alone."

Mr. Gerry objected to the phraseology of this clause; it might seem to imply that all governments were instituted and intended for the benefit of the people, which was not true. Indeed most of the governments both of ancient and modern times were calculated on very different principles. They had chiefly originated in fraud or in force; and were designed for the purpose of oppression and personal ambition. He wished to have nothing go out from this body as a maxim, which was false in fact or which was not clear in its construction. He moved to alter the clause, by inserting the words "of right."

This motion was negatived.

Mr. Tucker objected to any amendments being made to the preamble of the constitution. This he said, was no part of the constitution, and the object was only to amend the constitution: The preamble was no more a subject of amendment than the letter of the President annexed to the constitution.

Mr. Smith (S. C.) in answer to Mr. Tucker, shewed that this amendment had been recommended by three states; and that it was proper it should be made.

Mr. Tucker replied that he was not opposed to the principle, but thought this an improper place to express it; it could be inserted with propriety in a bill of rights if one should be agreed on, and in that form be prefixed to the constitution, but the preamble was not the place for it.

Others objected to the whole clause as it was unnecessary, since the words, "We the people" contained in itself the principle of the amendment fully. Mr. Sherman observed that if the constitution had been a grant from another power, it would be proper to express this principle; but as the right expressed in the amendment was natural and inherent in the people, it is unnecessary to give any reasons or any ground on which they made their constitution. It was the act of their own sovereign will. It was also said that it would injure the beauty of the preamble.

Mr. Maddison contended for the amendment—He saw no difficulty in allociating the amendment with the preamble without injuring the propriety or sense of the paragraph. Though it was indispumable that the principle was on all hands acknowledged, & could itself derive no force from expressing, yet he thought it prudent to insert it as it had been recommended by 3 respectable states.

The question on adopting the amendment being put, was carried in the affirmative.

Second amendment; from Art. 1 Sec. 2. par. 3. strike out all between the words "direct" and "until such," and instead thereof insert, "after the first enumeration, 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, nor more than one hundred and seventy five, but each state shall always have at least one representative."

Mr. Vining moved that a clause should be inserted in the paragraph, providing that when any one state possessed forty five thousand inhabitants, it should be entitled to two representatives.

This was negatived without a division.

Mr. Ames moved to strike out the word "thirty" and insert "forty;" so that the ratio of representation shall be one for forty thousand—He went into a train of reasoning to prove the superior advantages of a small representation—He drew an argument in favour of his place, from the satisfaction which the people universally expressed in the present representation that their minds were reconciled to it, and were convinced that a more faithful and more prompt discharge of the business of the Union would take place in so small a assembly. Experience has taught them that all the information that was necessary both of a general and local nature, would be found in a body similar to the present.—He suggested the importance of the stamp of a numerous representation, as a capital burthen, which would soon become distasteful to the people. According to the ratio of 1 to 30,000, the increase of the people would swell the representation to an enormous mass, whose support would be insufferable, and whose deliberations would be rendered almost impracticable.

The present population would, on the first census, produce 120. The augmentation would be very rapid—it was therefore proper to fix the proportion immediately, so as to prevent these evils—He went very copiously into the usual arguments to prove that all numerous popular bodies are liable, in proportion to their number, of fluctuations, fermentations and a factious spirit.—By enlarging the representation, the government, he said, would depart from that choice of characters who could best represent the wisdom and interest of the United States; and who would alone be able to support the importance and dignity of the branch of the legislature. Men would be introduced more liable to improper influences, and more tools for designing leaders.

Mr. Ames said it appeared clear to him that, as the whole number was increased, the individual consequence, the pride of character, and consequently the responsibility of each member would be diminished. The responsibility would also be in some proportion to the number of the constituents. A representative of a large body of people would feel in a higher degree the weight imposed upon him, and he would be under the more interested to support a virtuous fame, and to double his exertions for the public good.

Mr. Ames contended that the original designation of the number was not to obtain an increase beyond what the first census would give them; their intention was to fix a limitation, that it should not be in the power of Congress to diminish the representation at any time, below the point of security. Their object was certainly not augmentation.

Mr. Ames was much more ample in his arguments, but want of time obliges us rather to sketch the ground on which he dwelt, than pursue the connected chain of his ideas.

Mr. Maddison in reply, insisted that the principle design of these amendments was to conciliate the minds of the people, and prudence required that the opinions of the states who had proposed the important amendment in contemplation, should be attended to. He said it was a fact that some states had not confined themselves to limitation, but had proposed an increase of the number; he did not conceive it to be necessary in this case to investigate the advantages or disadvantages of a numerous representation; he acknowledged that beyond a certain point the number might be inconvenient. That point was a matter of uncertainty—It was true that numerous bodies were liable to some abuses; but if on one hand they were prone to these evils which the gentleman had mentioned, they were on the other hand less susceptible of corruption.

He also thought that to fix the ratio at even one for 40,000 would not prevent the abuses which Mr. Ames apprehended; for before the second census would be taken it was probable that the increase of population would be so great as to make the body very large. There was little choice therefore with a view to forming a proportion between one ratio or the other; but as this of 1 for 30,000 was the proportion contemplated and proposed by the states, it was most advisable to adopt it.

Mr. Gerry, Mr. Sedgwick, Mr. Livermore, Mr. Jackson, & Mr. Seney opposed the amendment; and Mr. Ames replied to them largely. The question being taken, Mr. Ames's proposition was rejected.

Mr. Tucker moved to strike out the first "one hundred" in the amendment, and to insert "two hundred" and then to strike out the rest of the paragraph—so that the representation should not be less than two hundred nor should Congress have a discretion to fix any ratio of increase, but that such proportion should be adopted as to keep the representation fixed at two hundred.

After some debate, this motion was negatived.

On motion of Mr. Sedgwick, the words "one hundred and seventy five" were struck out, and "two hundred" inserted. And then the paragraph as amended was agreed to.

Third amendment. Art. 1 sec. 2. par. 5. strike out all between the words "direct" and "until such," and instead thereof, insert, "but no law varying the compensation, shall take effect, until an election of representatives shall have intervened. The members."

This amendment was agreed to.

Committee rose—House adjourned.

[Continued in the last page.]

BROKE into the inclosure of the subscriber, on the 1st. inst. near Williamsburgh, a black STEER three years old, with a star in his forehead, white on the back and belly. Marked with a swallow fork in the end of the left ear. The owner is desired to prove his property, pay charges, and take him away.

ELIJAH CLARK.

Northampton, Sept. 7, 1789.

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 amendments 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 1. 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 100 representatives, nor less than one representative for every 40,000 persons, until the number of representatives shall amount to 200; 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 50,000 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; & 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 assistances 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 & 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 legislature shall never exercise the powers vested in the executive or judicial; nor the executive the powers vested in the legislature or judicial: nor the judicial the powers vested in the legislature 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.*

CONSTANTINOPLE, April 13.

Among the troops that are filing off from Constantinople, five companies of Janissaries, consisting of a thousand men each, quarrelling among themselves, on their arrival at Pontepiccoli, a dreadful massacre took place, insomuch, that of the 5000, very few arrived at their camp.

ST. PETERSBURGH, May 15.

The son of General Kamenskoy, who commands the army in Moldavia, arrived here yesterday with the news, that on the 27th of April General Derfelden compelled the Turks to retreat to within twenty wersts of Brailla, near Mackfunene, on the river Sireth. In this action four hundred of the enemy were killed, and a considerable number drowned. A Pacha of two tails, who commanded in Moldavia, was taken prisoner, with about one hundred men, one piece of cannon, and three standards.

A second courier arrived this day from General Kamenskoy, with an account that, on the 30th of April General Derfelden had attacked the enemy in their camp near Galatz, on the Danube, and that after an obstinate engagement of more than three hours, he had totally defeated them. Fifteen hundred Turks were killed, and a Pacha of three tails, with a considerable number of officers, and above a thousand men taken prisoners. The camp, with the artillery, standards, &c. fell into the hands of the conquerors, whose loss amounted only to sixty men killed, and hundred wounded.

LEXINGTON, (*Kentucky*) June 13.

On Wednesday the 3d instant, two men & three boys were fishing on Floyd's of Salt fork River, when a party of Indians fell in with them, killed the two men and took the boys prisoners.

We are since informed, that one of the boys have returned, and informs that the Indians gave him a tomahawk & kicking him, ordered him to return & inform his people what had become of his companions.

About the 20th ult. the Indians fired on 9 Frenchmen going up the Wabash River, killed four and wounded three; coming to the dead they discovered one of them to be a French trader, who was married to a daughter of John Brant the famous Indian chief, on which they assisted in pulling the arrows out of the wounded men, then went off, leaving every thing unmolested further.

7-8-4. On Saturday last, about 2 o'clock in the morning, Major ISAAC B. DUNN, of Lexington, put a period to his life by the discharge of a small pocket pistol, the contents of which penetrated the pericranium, just above the right ear; he did not expire till near two hours after, during which time he was entirely insensible.

PHILADELPHIA, August 26.

Extract of a letter from Georgetown, Patowmack, dated August 26.

"Last Wednesday and Thursday the weather being uncommon hot, Mr. ——, a native of Scotland, mate on board the brig Patowmack, a young man of reputable family and good character, unfortunately lost his life, by taking two large a draught of cold water.—An indented servant of Richard Thompson, Esq. shared the same fate. This is a warning to every person, particularly to the laborious part of men, who, unmindful of the danger, fall a sacrifice to their own imprudence."

About three weeks since, a Negro man, in Palentine district, Montgomery county, in kneeling down to take a drink of water at a small stream, placed himself in so awkward a situation, that he was unable to recover himself so speedily as to prevent swallowing a Garter Snake, which was gliding down the water. He was in great agonies till the next day, when he voided a part of it, proper medicines having been administered to him for that purpose.

YORK, [Penn.] August 12.

Last Sunday afternoon, as Mr. William Kilmerry, jun. of Monallen township, in this county, was returning from church, he alighted at the house of Mr. —— Carson, to shelter himself from a gust, then approaching fast; just as he had taken the saddle off his horse, Mr. Carson came to the door to receive him, a flash of lightning at that instant struck them both, and put a period to their existence. A physician was immediately sent for, and means tried to restore them to life, which proved ineffectual.

The same afternoon, the barn of Mr. William Haughtailn, of Mount Joy township, in this county, was struck with lightning and entirely consumed, together with a large quantity of grain and hay.

NEW-YORK, August 25.

On Wednesday last, seven women and two men of New-Jersey, were drowned at Sandy Hook. The women went in to bathe, when they imprudently crossed to a sand bank, at a little distance from the shore; the tide, then flowing, soon surrounded them, which prevented their getting back. The screams of the women were heard by those on the shore, and immediately several men went off in a boat to their relief; but, on account of the sand could not get nigh enough to give them any assistance. Two of the men (one of whom had a wife and two daughters, and the other a sister, on the bank) swam to them, to endeavour to bring them off one by one:—But when they got there all the women caught hold of them, which so entangled them that they all perished together. Five of the bodies has since been found.

BOSTON, September 4.

Yesterday arrived at the entrance of this harbour, a squadron of His Most Christian Majesty's navy, commanded by M. Le Viscount De Pontevès Gien:—consisting of the following

SHIPS of WAR.

L'Illustre, commanded by M. Le Viscount De Pontevès Gien. 74 Guns.
Le Leopard—M. the Marquis De La Gallisonnière. 74

FRIGATES.

Andromaque, M. the Chevalier De Subsanet. 40
Seasible, M. the Chevalier Du Brave. 36
Active, M. the Marquis De Trafferay. 36

To this information the feelings of every grateful citizen correspond. Three welcome to our shore illustrious friends.

NORTHAMPTON, Sept. 4.

On Monday last was reviewed in this town, Colonel Murray's Regiment of Militia, and also a Company of Horse, commanded by Capt. Allis.—The various exercises and manœuvres were performed with great attention and accuracy. The day was pleasant and finely adapted to the occasion—and the combination of circumstances were calculated to inspire animation and order—and the whole was concluded with an order and decency, which proclaims in the most expressive characters, a national Militia truly adequate to all national purposes of protection and defence.

The Hon. Mr. Lee Conn, we are told, has resigned his commission as Major-General of the first division of the militia of this Commonwealth.

* * *The* Editor *of this paper hereby informs the public, that his Office will be, to-morrow, removed to the new building, a little east from where it has been usually kept.*