in the Berlin Memoirs, for 1757, from two poles not diametrically opposite, by the learned Mr. Leonard Euler, in a mathematical and masterly manner. The observations of variations at sea, owing to the iron work in the ship, and arms on board, are liable to great uncertainty, so that differences have been found of six degrees in the English channel.

There will be a great difference often, according as the ship is put on one or the other tack, owing to the soft iron on board becoming temporary magnets, from the effect of the earth as a great magnet. Magnetic rocks at sea will disturb the magnet, and severe cold in northern regions seems occasionally to render it torpid, though it recovers itself again. On all these accounts, and some others not less important, the variation of the compass cannot be considered as a general method of finding the longitude at sea, and scarce of any use that way, now we have so much better methods of attaining the end.

Mr. Churchman's supposition of a gradual change of the magnetic poles, without offering any probable physical hypothesis to account for it, must be considered as a mere hypothesis. You, Sir, who are so well able to judge of philosophical matters, and physical causes, will, I have little doubt, join in opinion with the late Dr. Halley, as I do, that the gradual change of the magnetic poles cannot be probably accounted for from any gradual changes of the quantity, metalic state, or magnetism, or translation of the iron, or iron ore in the bowels of, or diffused through the surface of the earth. Dr. Halley's hypothesis of four poles, two belonging to an outer shell, and two to an inner nucleus moveable about the axis with less velocity of rotation than the outer shell, is very ingenious, and well calculated to get over this difficulty. Observations both of the variation and dip of the needle, made throughout your continent, would be of use to throw light on this matter.

Mr. Churchman might have been well sasisfied with the judgments of such able men and good philosophers as Mr. Ewing and Mr. Rittenhouse. Mr. Dillwhynn sent me another of his proposals, with the disputes between him and the principal mathematicians with you, for the royal society, which I forwarded there. I hope you receive, I mean your philosophical society, my Greenwich observations, now published up to the end of 1786, and published annually. They are ordered you by the council. I shall be gratified by the continuance of the present of your memoirs, if thought proper, and am sensible of the honour of being a member. Your future correspondence will do honour to, Sir,

Your most humble servant,
And old friend,
N. MASKELYNE.

ANNAPOLIS, *August* 14.

Ratification of the constitution by the convention of the state of New-York.

WE the delegates of the people of the state of New-York, duly elected and met in convention, having maturely considered the constitution for the United States of America, agreed to on the seventeenth day of September, in the year one thousand seven hundred and eighty-seven, by the convention then assembled at Philadelphia, in the commonwealth of Pennsylvania (a copy whereof precedes these presents) and having also seriously and deliberately considered the present situation of the United States, DO declare and make known,

That all power is originally vested in and consequently derived from the people, and that government is instituted by them for their common interest, protection and security.

That the enjoyment of life, liberty, and the pursuit of happiness, are essential rights which every government ought to respect and preserve.

That the powers of government may be re-assumed by the people, whensoever it shall become necessary to their happiness; that every power, jurisdiction and right, which is not by the said constitution clearly delegated to the congress of the United States, or the departments of the government thereof, remains to the people of the several states, or to their respective state governments, to whom they may have granted the same; and that those clauses in the said constitution, which declare that congress shall not have or exercise certain powers, do not imply that congress is entitled to any powers not given by the said constitution; but such clauses are to be construed either as exceptions to certain specified powers, or as inserted merely for greater caution.

That the people have an equal natural and unalienable right, freely and peaceably to exercise their religion, according to the dictates of conscience; and that no religious sect or society ought to be favoured or established by law in preference of others.

That the people have a right to keep and bear arms; that a well regulated militia, including the body of the people *capable of bearing arms*, is the proper, natural, and safe defence of a free state.

That the militia should not be subject to martial law except in time of war, rebellion or insurrection.

That standing armies in time of peace are dangerous to liberty, and ought not to be kept up, except in cases of necessity, and that at all times the military should be under strict subordination to the civil power.

That in the time of peace no soldier ought to be quartered in any house without the consent of the owner; and in time of war only by the civil magistrate, in such manner as the laws may direct.

That no person ought to be taken, imprisoned, or disseized of his freehold, or exiled, or deprived of his privileges, franchises, life, liberty or property, but by due process of law.

That no person ought to be put twice in jeopardy of life or limb for one and the same offence, nor, unless in case of impeachment, be punished more than once for the same offence.

That every person restrained of his liberty is entitled to an inquiry into the lawfulness of such restraint, and to a removal thereof if unlawful, and that such inquiry and removal ought not to be denied or delayed, except when, on account of public danger, the congress shall suspend the privilege of the writ of habeas corpus.

That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

That (except in the government of the land and naval forces, and of the militia when in actual service, and in cases of impeachment) a presentment or indictment by a grand jury ought to be observed as a necessary preliminary to the trial of all crimes cognizable by the judiciary of the United States; and such trial should be speedy, public, and by an impartial jury of the county where the crime was committed; and that no person can be found guilty without the unanimous consent of such jury.—But in cases of crimes not committed within any county of any of the United States, and in cases of crimes committed within any county in which a general insurrection may prevail, or which may be in the possession of a foreign enemy, the inquiry and trial may be in such county as the congress shall by law direct; which county in the two cases last mentioned, should be as near as conveniently may be to that county in which the crime may have been committed. And that in all criminal prosecutions, the accused ought to be informed of the cause and nature of his accusation, to be confronted with his accusers and the witnesses against him, to have the means of producing his witnesses, and the assistance of council for his defence, and should not be compelled to give evidence against himself.

That the trial by jury in the extent that it obtains by the common law of England, is one of the greatest securities to the rights of a free people, and ought to remain inviolate.

That every freeman has a right to be secure from all unreasonable searches and seizures of his person, his papers or his property; and therefore, that all warrants to search suspected places, or seize any freeman, his papers or property, without information upon oath or affirmation of sufficient cause, are grievous and oppressive; and that all general warrants (or such in which the place or person suspected are not particularly designated) are dangerous and ought not to be granted.

That the people have a right peaceably to assemble together to consult for their common good, or to instruct their representatives, and that every person has a right to petition or apply to the legislature for redress of grievances.

That the freedom of the press ought not to be violated or restrained.

That there should be once in four years, an election of the president and vice president, so that no officer who may be appointed by the congress to act as president, in case of the removal, death, resignation or inability, of the president and vice-president, can in any case continue to act beyond the termination of the period for which the last president and vice-president were elected.

That nothing contained in the said constitution, is to be construed to prevent the legislature of any state from passing laws at its discretion, from time to time, to divide such state into convenient districts, and to apportion its representatives to and amongst such districts.

That the prohibition contained in the said constitution, against *ex post facto* laws, extends only to laws concerning crimes.

That all appeals in causes, determinable according to the course of the common law, ought to be by writ of error, and not otherwise.

That the judicial power of the United States, in cases in which a state may be a party, does not extend to criminal prosecutions, or to authorise any suit, by any person against a state.

That the judicial power of the United States, as to controversies between citizens of the same state, claiming lands under grants of different states, is not to be construed to extend to any other controversies between them, except those which relate to such lands, so claimed, under grants of different states.

That the jurisdiction of the supreme court of the United States, or of any other court to be instituted by the congress, is not in any case to be increased, enlarged or extended, by any fiction, collusion or mere suggestion; and that no treaty is to be construed, so to operate, as to alter the constitution of any state.

UNDER these impressions, and declaring that the rights aforesaid cannot be abridged or violated, and that the explanations aforesaid are consistent with the said constitution, and in confidence that the amendments which shall have been proposed to the said constitution will receive an early and mature consideration, WE, the said delegates, in the name and in behalf of the people of the state of New-York, DO, by these presents, assent to and RATIFY the said constitution. In full confidence, nevertheless, that until a convention shall be called and convened for proposing amendments to the said constitution, the militia of this state will not be continued in service out of this state for a longer term than six weeks, without the consent of the legislature thereof; that the congress will not make or alter any regulation in this state, respecting the times, places, and manner of holding elections for senators or representatives, unless the legislature of this state shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same; and that in those cases such power will only be exercised until the legislature of this state shall make provision in the premises; that no excise will be imposed on any article of the growth, production, or manufacture of the United States, or any of them, within this state, ardent spirits excepted; and that the 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 until congress shall first have made a requisition upon this state to assess, levy and pay the amount of such requisition made agreeably 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 case, if the state shall neglect or refuse to pay its proportion, pursuant to such requisition, then the congress may assess and levy this state's proportion, 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 26th day of July, in the year of our Lord one thousand seven hundred and eighty-eight.

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

Attested, JOHN M'KESSON, ABM. B. BANCKER, } Secretaries.

AND the convention do, in the name and behalf of the people of the state of New-York, enjoin it upon their representatives in the congress, to exert all their influence and use all reasonable means to obtain a ratification of the following amendments to the said constitution in the manner prescribed therein; and in all laws to be passed by the congress in the mean time, to conform to the spirit of the said amendments as far as the constitution will admit.

That there shall be one representative for every thirty thousand inhabitants, according to the enumeration or census mentioned in the constitution, until the whole number of representatives amounts to two hundred; after which that number shall be continued or increased, but not diminished, as congress shall direct, and according to such ratio as the congress shall fix, in conformity to the rule prescribed for the apportionment of representatives and direct taxes.

That the congress do not impose any excise on any article (except ardent spirits) of the growth, production, or manufacture of the United States, or any of them.

That congress do not lay direct taxes, 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 the states to assess, levy, and pay their respective proportion of such requisition, agreeably to the census fixed in the said constitution, in such way and manner as the legislature of the respective states shall judge best; and in such case, if any state shall neglect or refuse to pay its proportion, pursuant to such requisition, then congress may assess and levy such state's proportion, together with interest, at the rate of six *per centum per annum*, from the time of payment prescribed in such requisition.

That the congress shall not make or alter any regulation, in any state, respecting the times, places and manner of holding elections for senators or representatives, unless the legislature of such state shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance, be incapable of making the same, and then only, until the legislature of such state shall make provision in the premises; provided that congress may prescribe the time for the election of representatives.

That no persons, except natural born citizens, or such as were citizens on or before the fourth day of July, 1776, or such as held commissions under the United States during the war, and have at any time, since the 4th of July, 1776, become citizens of one or other of the United States, and who shall be freeholders, shall be eligible to the places of president, vice president, or members of either house of the congress of the United States.

That the congress do not grant monopolies, or erect any company with exclusive advantages of commerce.

That no standing army or regular troops shall be raised, or kept up in time of peace, without the consent of two thirds of the senators and representatives present in each house.

That no money be borrowed on the credit of the United States without the assent of two thirds of the senators and representatives present in each house.

That the congress shall not declare war without the concurrence of two thirds of the senators and representatives present in each house.