(XLIVth YEAR.) THE (No. 2215.)

MARYLAND GAZETTE.

THURSDAY, JUNE 25, 1789.

Proceedings of Congress.

HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

MONDAY, *June* 8.

HONOURABLE Michael J. Stone, member from Maryland, appeared in the house, and took the oath.

Mr. Goodhue introduced a petition from Nicholas Pike, of Newbury-Port, Massachusetts—the prayer of which was, that congress would pass a law to secure to him his property in a work which he had published with great labour and expence, entitled, "A Complete System of Arithmetic"—this was referred to the committee appointed to bring in a bill to secure to authors the benefit of their publications.

Upon motion, it was voted, that the several petitions from tradesmen and manufacturers should be transmitted to the senate.

Mr. Madison, agreeably to notice, moved, that the house now form itself into a committee of the whole upon the state of the union, to take into consideration the subject of the amendments, agreeably to the fifth article of the constitution.

Mr. Smith (of South-Carolina) suggested the inexpediency of taking up the subject at the present moment, in a committee of the whole, while matters of the greatest importance, and of immediate consequence, were lying unfinished. The great business of the revenue appeared to him to claim a constant and uninterrupted attention till completed—He moved, therefore, that instead of referring the subject to a committee of the whole, a select committee should be raised, to take into consideration the amendments proposed by the several states.

Mr. Jackson—I am opposed, Sir, to taking up the subject of amendments to the constitution, till we have had some experience of its good or bad qualities. The constitution may be compared to a ship that has never yet put to sea; she is now laying in the dock; we have had no trial as yet; we do not know how she may steer; what sort of a helm she carries; we cannot determine with precision whether she sails upon an even keel or no. Upon experiment she may prove faultless, or her defects may be very obvious; but the present is not the time for alterations. Very important and urgent business now requires the attention of this honourable body; business of such consequence as that of revenue, without which the constitutition is of very little importance in itself considered. Should amendments now be taken up, it will be months, perhaps, before we can get through with them; mean time, the important interests of our constituents are sacrificed.—The state that I have the honour to represent has ratified the constitution without specifying any amendments, they are satisfied with it in its present form, till experience shall point out its defects. I move, therefore, Sir, that the consideration of the subject of amendments be postponed till the first of March, 1790.

Mr. Goodhue observed, that though he considered it as being premature, to take up the subject of amendments at the present time, yet he could not conceive the propriety of postponing the matter to so long a period. It certainly was the general idea, that amendments should be considered, and a regard to the wishes of our constituents required that they should be attended to as soon as public interest permitted.

Mr. Burke made some objections of a similar import with those which fell from Mr. Goodhue, and thought that the subject of the revenue was of the greatest importance to be immediately attended to.

Mr. Madison observed, that the subject had been postponed from time to time, that the members might have opportunity more fully to make up their judgements upon it—a fortnight has elapsed since the first assigned period, and if the motion for a further distant period should be adopted, it would be construed into a design to take no serious notice of the business. The propositions for amendments to the constitution came from various quarters, and those the most respectable; and therefore to give some degree of satisfaction, it seemed necessary that congress should, as soon as possible, attend to the wishes of their constituents. He did not propose that a full investigation should *immediately* be gone into, but to quiet the apprehensions of a great many persons, respecting the securing certain rights, which it was supposed were not sufficiently guarded; he thought it necessary that congress should commence the inquiry, and place the matter in such a train as to inspire a reasonable hope and expectation that full justice would eventually be done to so important a subject--He therefore renewed his motion for the house to go into a committee of the whole, that the investigation of the business might at least commence.

Mr. Sherman supposed, that taking up the subject of amendments at this time would alarm more persons than would have their apprehensions quieted thereby; he thought that the necessity of amendments would be best pointed out by the defects, which experience may discover in the constitution.

A message was received from the senate, informing the house, that they had concurred in their vote of the 28th May—by which every member is to be furnished with a complete set of the journals of the late congress.

Mr. White observed, that the subject of amendments was of very extensive importance; he supposed that the house could not, with any propriety, defer their consideration any longer; for although the constitution had been so generally ratified, yet it was evident, that alterations and amendments were expected by perhaps a majority of the people at large.

Mr. Smith (S. C.) then introduced a proposition for the appointment of a select committee, to take the business into consideration, and report.

Mr. Page was in favour of a committee of the whole, and urged the propriety of commencing the inquiry without any further delay, as a measure that would be productive of very happy consequences.

Mr. Vining was opposed to the measure for several reasons—the incompleteness of the revenue and judiciary systems; these, he urged, ought to be finished previous to a discussion of amendments: the judiciary system may provide a remedy for some of the defects complained of—and without giving the constitution any operation, it was impossible to determine what were defects or not—and what alterations were necessary. He further observed, that he conceived it necessary previous to any discussion of the subject, that it should be ascertained whether two thirds of the house and senate were in favour of entering upon the business: he supposed that the voice of two thirds were as requisite to sanction the *expediency* of the measure, as they were to the *adoption* of amendments. He was fully of opinion, that experience alone could ascertain the real qualities of the constitution. The people are waiting with anxiety for the operation of the government. What have congress done? Have they passed a revenue law? Is not the revenue daily escaping us? Is it not of immense consequence to complete the system? Let us not perplex ourselves by introducing one weighty and important question after another, till some decisions are made: This mode of introducing one piece of business, before a former one was completed, tends to confuse the mind, and incapacitate it from doing full justice to any subject. He hoped, therefore, that the house would not go into a committee of *the whole* upon this business.

Mr. Madison conceded to the motion for choosing a select committee. He then observed, that he thought it would be attended with salutary effects, should congress devote, at the present time, so much at least as one day to this business, to convince the world, that the friends of the constitution, were as firm friends to liberty as those who had opposed it: the advocates for amendments are numerous and respectable: some alteration of the constitution lays with great weight upon their minds: they merit consideration. He urged the expediency of the measure, from the situation of Rhode-Island and North-Carolina. He had no doubt that it would conciliate them towards the union, and induce them to unite, and again become branches of the great American family. He was, he observed, in favour of sundry alterations, or amendments, to the constitution—he supposed that they could be made without injury to the system. He did not wish a reconsideration of the whole; but supposed that alterations might be made without effecting the essential principles of the constitution, which would meet with universal approbation; these he would propose, should be incorporated in the body of the constitution. He then mentioned the several objections which had been made by several of the states, and by people at large. A bill of rights has been the great object contended for—but this was one of those amendments which he had not supposed very essential. The freedom of the press, and the rights of conscience, those choicest flowers in the prerogative of the people, are not guarded by the British constitution. With respect to these, apprehensions had been entertained of their insecurity under the new constitution; a bill of rights, therefore, to quiet the minds of the people upon these points, may be salutary. He then adverted to the several bills of rights, which were annexed to the constitutions of individual states; the great object of these was, to limit and qualify the powers of government—to guard against the encroachments of the executive. In the federal government, the executive is the weakest—the great danger lies not in the executive, but in the great body of the people—in the disposition which the majority always discovers, to bear down, and depress the minority.

In stating objections which had been made to affixing a bill of rights to the constitution, Mr. Madison observed, that objections to a continental bill of rights applied equally to their adoption by the states. The objection to a bill of rights, from the powers delegated by the constitution, being defined and limited, has weight, while the government confines itself to those specified limits: but instances may occur in which those limits may be exceeded, by virtue of a construction of that clause, empowering congress to make all necessary laws to carry the constitution into execution. The article of general warrants may be instanced. It has been observed, that the constitution does not repeal the state bills of rights; to this it may be replied, that some of the states are without any—and that articles contained in those that have them, are very improper, and infringe upon the rights of human nature, in several respects. It has been said, that bills of rights have been violated; but does it follow from thence that they do not produce salutary effects? This objection may be urged against every regulation whatever. From these, and other considerations, Mr. Madison inferred the expediency of a declaration of rights, to be incorporated in the constitution.

Mr. Madison further observed, That the proportion of representatives had been objected to—and particularly the discretionary power of diminishing the number.—There is an impropriety in the legislature's determining their own compensation, with a power to vary its amount. The rights of conscience, liberty of the press, and trial by jury, should be so secured as to put it out of the power of the legislature to infringe them.—Fears respecting the judiciary system, should be entirely done away—and an express declaration made, that all rights not expressly given up, are retained.—He wished, that a declaration upon these points might be attended to—and if the constitution can be made better in the view of its most sanguine supporters, by making some alterations in it, we shall not act the part of wise men not to do it—He therefore moved for the appointment of a committee to propose amendments, which should be laid before the legislatures of the several states, agreeably to the 5th article of the constitution.

Mr. Jackson observed, That the honourable gentleman's ingenious detail, so far from convincing him of the expediency of bringing forward the subject of amendments at this time, had confirmed him in the contrary opinion: The prospect which such a discussion opened, was wide and extensive, and would preclude other business, of much greater moment, at the present juncture—He differed widely from the gentleman, with regard to bills of rights—several of the states had no such bills—Rhode-Island had none—there liberty was carried to excess, and licentiousness triumphed—In some states, which had such a nominal security, the encroachments upon the rights of the people had been most complained of—The press, Mr. Jackson observed, is unboundedly free—a recent instance of which the house had witnessed in an attack upon one of its members—a bill of rights is a mere *ignis fatuus*, amusing by appearances, and leading often to dangerous conclusions. I repeat, Sir, the present is not the time to bring forward amendments—they must be speculative and theoretical in the very nature of things, and may themselves be the subjects of future amendments. This consideration points out in the strongest manner, the propriety of waiting the result of experiment, to determine the merits of the constitution: to that let us refer the subject, and not waste our time in useless speculations.

Mr. Gerry thought it unnecessary to go into a committee of the whole upon this subject at the present moment—He did not think such a step necessary to satisfy the people, who are fully sensible that congress is now engaged in the great objects of government—he wished however, that as early a day as possible, might be assigned, that the mode of another convention might not be thought of—in which we might lose the most essential parts of the constitution—he observed, that he was not a blind admirer of the system, there were defects as well as beauties in it—but as it was now become the constitution of the union, he conceived that the salvation of the country depended upon its establishment, amended or not—He was further in favour of an earlier day, on account of North-Carolina and Rhode-Island, as the accession of these states to the union was very desirable, and good policy dictated that every proper step should be taken to expedite that event—He was opposed to referring the matter to a select committee--as derogatory to the dignity of the states—he conceived the whole of the amendments proposed by the several conventions, should come immediately before the house—The faith of congress ought to be considered as pledged to take up this business upon the most extensive scale—He therefore moved, that all the various propositions for amendments should be referred to a committee of the whole, and that an early day be assigned to go into a full investigation of the subject—and proposed the first Monday in July.

Several other gentlemen spoke upon the subject, when

Mr. Madison arose and withdrew his last motion for a select committee, and then submitted to the house a resolve comprising a number of amendments to be incorporated in the constitution, these he read for the consideration of the house.