

# THE STATE GAZETTE

OF

## NORTH-CAROLINA.

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### Proceedings of Congress. House of Representatives of the United States.

MONDAY, JUNE 8.

**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 5th 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.

**Mr. Jackson** was opposed to taking up the subject of amendments to the constitution, till we have some experience of its good or bad qualities. He observed that the state he had the honour to represent, had ratified the constitution without specifying any amendments; they are satisfied with it in its present form, till experience shall point out its defects. He therefore moved that the consideration of the subject of amendments be postponed till the first day of March, 1790.

**Mr. Goodhue** and **Mr. Burke** thought it rather premature to take up the subject, but could not see the propriety of postponing it to so long a period. They observed, the subject of revenue was of greater importance at present, and ought to be immediately attended to.

**Mr. Madison** observed that 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 enquiry, 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.

A message was received from the Senate, informing the House, that they had concurred in their vote of the 28th of 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.

**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 re-

venue 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.

**Mr. Madison** conceded to the motion for choosing a select committee—and after a long and able speech, in which he enforced the propriety of entering, at an early period, into the subject of amendments, observed, that the advocates for amendments were numerous and respectable, and urged the expediency of the measure from the situation of Rhode-Island and North Carolina, as it might conciliate them towards the union, and induce them to unite. He was, he said, in favour of sundry alterations or amendments to the constitution. A Bill of Rights, he said, had been contended for, but this was one of those amendments which he did not conceive essential. He, however, stated the propriety of the measure, for altho' Bills of Rights might not be altogether necessary, he said it did not follow that they do not produce salutary effects—he was therefore of opinion that a Declaration of Rights ought 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 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 on those points might be attended to—and if the constitution could 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 different states agreeably to the fifth article of the constitution.

**Mr. Jackson** replied, that it would take up so much time, in discussing that important subject, as to produce too much delay in other business of much greater moment—he urged that an attempt at this time to bring forward amendments, before the constitution was tried, would be entirely improper—that they must be speculative and theoretical in the very nature of things, and may themselves be the subject of future amendments—and that we ought not to waste our time in useless speculations—He strongly opposed a Bill of Rights, as leading often to dangerous consequences.

**Mr. Gerry** thought it unnecessary to go into a committee of the whole, upon this subject, at the present moment—he wished, however, that as early a day as possible might be assigned, on account of North Carolina and Rhode-Island, as the accession of those states to the union, was very desirable—and 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.

**Mr. Madison** 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.

**Mr. Livermore** was opposed to the resolve.

**Mr. Page** and **Mr. Lee** severally rose to justify **Mr. Madison**.

**Mr. Madison** observed, that it was necessary the subject should be brought forward in some form or other. After waiting a considerable time for others to do it, he had thought proper to propose the form now submitted to the House. Newspapers and pamphlets were the repositories of the several amendments; those were not the proper sources; the resolve is now before the House, and they may do what they think proper with it.

**Mr. Lawrence** moved, That the resolve introduced by **Mr. Madison**, should be submitted to the consideration of a committee of the whole, on the state of the union.

**Mr. Boudinot** proposed a select committee, to consist of a member from each state.

After a few more observations, the motion of **Mr. Lawrence** being put, was carried in the affirmative.—The House then adjourned.

MONDAY, JUNE 15.

**Mr. Brown**, Member from Virginia, and **Mr. Sedgwick**, Member from Massachusetts, appeared in the House, had the oath prescribed in the constitution, administered to them, and took their seats.

Upon motion of **Mr. Goodhue**, it was voted, that two Members be added to the committee appointed to bring in a bill to regulate the collection of the impost throughout the United States—**Mr. Smith**, of Maryland, and **Mr. Parker**, of Virginia, were accordingly appointed.

**Mr. Scott**, from the committee to consider the state of the unappropriated lands in the Western Territory, reported.—This report contained a very particular geographical account of that country.

*Voted*, That this report be referred to a committee of the whole upon the state of the union.

The House then proceeded to the consideration of the amendments which had been proposed by the Senate, to the bill for imposing duties on goods, wares, and merchandize, imported into the United States.

The enacting title of the bill, viz. "The Congress of the United States," was amended by the Senate, by proposing to insert, "The Senate and Representatives of the United States." This amendment was non-concurred.

That clause of the bill which made a discrimination between states and kingdoms in alliance with the United States and those which are not, with respect to the duty on distilled spirits, the Senate proposed should be struck out. A recapitulation of arguments used in the former progress of the bill, on both sides of the question, with little variation, took place—the result was non-concurrence with the Senate.

The following amendments proposed by the Senate, were also non-concurred by the House, viz.

A reduction of the duty on spirits of Jamaica proof from 15 to 10 cents—on other spirits from 12 to 8 cents.

The amendment which provides for the reduction of the duty on the following articles, was acceded to, viz.

Molasses from 5 to 2½ cents;