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THE TABLET.—No. XXXVIII.

People hazard the loss of their liberties in listening to men, who flatter and compliment the uninformed multitude at the expense of trust-worthy individuals.

POLITICAL watchmen, more than any other, are apt to imagine they spy out danger, where none exists. This good reason may be assigned for it; they have more to fear from one another, than from the rest of mankind. They raise an out-cry to quell disturbances, which they themselves instigated; and hide their own failings, by making those of other people more conspicuous. The most careless observer of human affairs must have seen, that men will trust their political creeds in the keeping of persons, with whom they would not trust a shilling of property. Nothing is more common than to hear a man condemned as an hypocritical knave in his private dealings, who will yet support some degree of reputation, in party-disputes, among the very persons, who thus reprobate him. If the man, who handles my property, or gives me private advice, is a villain, I can detect him by facts; but he, who directs my public opinions, deals in those unmeaning words which beguile and deceive, while they preclude the possibility of detection. Thus it happens, that almost any man, who can clamor loudly, and catch the magic cant of the day, will not be without adherents. If the well disposed part of the community would use a little reflection, they would quiet themselves of many uneasy apprehensions, and would soon be convinced that a man, who is destitute of knowledge and rectitude in private life, should not gain any solid influence, merely by his petulance and declamation against public affairs.

Every man finds himself more or less the dupe of flattery, but few suspect how often the public are seduced by compliments and intrigue. I have seen a large crowd of people thrown into exclamations of joy, at hearing the enchanting sound of MAJESTY OF THE PEOPLE. Each man takes a good share of the compliment to himself, and extols to the skies the worthless fellow who declaims in such fascinating language. Truth and fair dealing have no such captivating effect.

The liberty of speaking and writing is likewise a popular theme to descend upon. It is often a convenient apology for nonsense and falsehood. This liberty is supposed to be abridged if it requires people to be confined within the rules of decency and common sense. An ignorant buffler, who is checked in his rant and abuse, pretends it is a sufficient plea, that in a free country, every man may speak what he thinks. The bystanders are flattered with such an idea, and take part with a boisterous fool who reminds them of so darling a right.

No privilege is oftener misapplied than that of canvassing public affairs. It is of such a critical nature, that any general restrictions to prevent the misapplication will, in some measure, destroy the principle itself. The evil admits not of a constitutional remedy. There is but one possible cure for it. A race of men may be raised up and educated with such principles of knowledge and virtue, as will make them proof against the seductions of those who flatter the popular ignorance and caprice. To level undistinguishing censure against public proceedings is a very weak, or a very wicked act. It only increases the discontent and jealousy of the people, without removing any errors or difficulties. Artful men likewise find their account in charging the faults or misfortunes of the times upon the mismanagement of conspicuous individuals. It is a kind of compliment to those who are not included in the charge, and makes them infer that they have no share in the production of the mischiefs complained of. The magic power of flattery is nowhere so fully demonstrated as in the declamations, which pretended patriots and politicians address to the multitude. More States have been overturned, and more calamitous effects introduced, by persuading the people that they should exalt themselves above their rulers, than have ever happened through the bold, aspiring attacks of ambition and tyranny.

For although the rights of the whole people may be more than a balance for the power of the whole magistracy, yet this will not sanction the exaltation of any separate portion of the people over the authority of any single magistrate. This kind of adulation therefore, when addressed to particular districts, is not only false but unconstitutional.

## MEASURES.

THE measures used in the American States were introduced from England. Acts of the assemblies direct standards of them, to be kept in the counties; which are to be according to the standards in England. Notwithstanding these acts, there are deviations in the measures used in some of the States, and in

different parts of the same State, which occasion confusion, dispute, and litigation; and therefore claim the public attention for fixing measures to one uniform standard, for promoting certainty and fair dealings. "Thou shalt not have in thy bag divers weights, a great and a small. Thou shalt not have in thy house divers measures, a great and a small. But thou shalt have a perfect and just weight, a perfect and a just measure shalt thou have." Deut. 15.

These deviations are those of what are in England; where they have their bushels of 8 and of 9 gallons, &c. and the people always have been in much confusion from their various measures. Their statutes respecting measures originating in rude and ignorant times, laid a foundation for the confusion. At this time their standard of corn measure is according to the statute of the 13 W. 3. ch. 5. s. 28. The laws of the respective States, so far as I am informed, generally require their standard bushel to be according to the English standard; and the statute enacts, that "every bushel 18½ inches wide and 8 inches deep, shall be esteemed a legal Winchester bushel." Such a measure with straight sides and equal diameter at top and bottom, contains 2150 42-100 solid inches. Notwithstanding this regulation, the corn bushel in common use in London and generally in the seaports of England, contain about 2178 inches, or above ¼ of a pint more than their standard.

The counties of Maryland have a long while kept brass or bell-metal standards according to the statute of 13 W. 3. as directed by a law enacted in Maryland 1715: And the county courts have usually appointed officers for keeping the standards of weights and measures. It was usual for cautious people to pay the officers for proving and stamping their measures; and the half bushel in common use was agreeable to the statute of Maryland. At length wheat became almost the only staple of the upper part of Maryland. Mills for merchants work in manufacturing flour were introduced, chiefly by those who had learnt the business and had been used to a different [larger] half bushel for measuring wheat in another State. These bringing in the large measure, contended for the use of it. Bickerings often happened; but the usage of the millers and merchants in the neighbouring State, on whose purses the Maryland farmers were almost solely dependent for the sale of their wheat, prevailed in introducing a larger measure, against the legal one: and at this day it is mostly used, by consent of the buyers and sellers of grain. In one of the counties of Maryland, millers and their connexions insinuated themselves into notice, and were appointed justices of the county court, who by law appoint officers of the standard, and even order new standards; which had great weight in quieting opposition to the new half bushel measure. This was in a part of Maryland where wheat was almost the whole staple article of export, and which was almost an unrivalled market for wheat on Chesapeake, at that time.

The law of Pennsylvania establishing a standard for corn measure, was enacted the year preceding the enacting of the statute of the 13 W. 3. and therefore referred to prior statutes. The standard obtained by the direction of their law, is still in Philadelphia, unequally and awkwardly made of copper, and contains near 2188 solid inches. It is from this standard that the half bushels in common use in Maryland are proved and stamped at Philadelphia.

Some artifice amongst retailers has introduced measures of a shape that shortens the quantity of goods and large articles, which custom directs to be heaped in measuring. They direct their coopers to make them deep and narrow; by which, although the body of the vessel may hold the legal quantity of anything struck, yet the base on that being small, cannot receive a due proportion in the conic heap of oysters, roots, &c.—In England the whole bushel is 8 inches deep, the diameter 18½ inches, which admits of a conic heap one third as much as the cylindrical contents. The Pennsylvania half bushel is 9 inches deep; which narrows the vessel so as to reduce the conic heap greatly. There ought to be some form and proportion in the parts of the half bushel, fixed by law, as a rule for coopers. In the sketch below, this is aimed at, tho' not in proportion to the extraordinary diameter of the Winchester bushel. In this sketch it is also meant to have the contents nearly what they are in common use at present in the wheat States; which happens to accord with the customary bushel of a great commercial country in Europe. The diameters and depth give an easy shape that admits of hoops drawing well—the less tapering, the more forcibly the hoops draw, on the principle of the crew and wedge.

In England, the Winchester statute bushel contains 2150 42-100 inches—Their bushel in mercantile common use 2178 inches.

In Maryland and Pennsylvania the commonly used bushel is 2188 inches, the medium whereof, is 2172 inches.—In place of these is offered, a half bushel (a common and more convenient measure than a bushel) which contains but 5 cubic inches less than the Pennsylvania large measure, near 14 inches more than the Winchester half bushel, and is exactly the same with the English measure used in common, (2178 inches to the bushel) and which being known in the European markets where we shall deal, will therefore give ease and convenience to those strangers when we deal with them, as well as to our merchants.—Gallons may be laid aside respecting bushel measure. The bushel is to contain so many inches, and has its parts in pecks, fourths, and eighths of pecks.

The proposed half bushel, as a common measure for the United States is

	In.	Tenths.
In diameter at top	13	5
Ditto at bottom	12	5
Depth	8	2

Coopers, by the use of stout iron truss-hoops, truly round, can preserve the diameters of their vessels to a pretty near exactness.—Be it then enacted that all half bushels shall be made, near as may be, according to the dimensions above expressed; and that if any are used, as a measure that are more or less than one eighth of those respective diameters or depth, the cooper shall forfeit 10s. if the measure is not more than a year old; and the owner 5s. be the age what it may, for every day in which it is used.—The cooper a small fine (by way of caution) not large, because of variation from time and use: The owner a higher fine, because it behoves him to have true measures. He is to examine and renew his measure as occasion requires, testing it with the standard.

Philosophers, mechanics, &c. have their inch so fixed, so long time recorded, and so often referred to, that the present fixed inch can scarcely be departed from; nor can the present foot. These are the two principal measures that make out all others. The perch to be retained. It is used only in one line of business; but an alteration in its length would occasion much arithmetical calculation.—It may stand by itself. So of the yard; let it remain as it now is. Accurate standards are to be procured, and sacredly kept in public depositories. I wished to have divided measures to ascend and descend in tens as federal monies do: But there are hindrances.—The change would be great; and the human heart is to be confuted: Nor would there be so great advantages in this applied to measures as to monies and weights.

What is to be the measure for liquors? It may be confined only to wine measure.—There may be the usual pots of beer and cyder; but let the gallon measure be one only; containing 231 inches. Its parts may still be quarts, pints, gills, &c.—In the year 1688, the standard gallon in England, for wine, was found, on trial

by the commissioners of excise, to contain but 224 inches.—Instead of 231.—It was however resolved to continue the common supposed contents of 231 inches.—In order to know whether the wine measures imported into America from England, are of a size agreeable to the real or imaginary standard in England, I weighed the contents of a London stamp pewter quart pot, being fair spring water, and found the pot contained one fourth of 231 inches. The excess is imputed to some of the weights used on the occasion, being of lead much worn: but the trial sufficed to assure me, that the wine gallon in use, contains not less than 231 inches.

## NEW YORK.

### SKETCH OF PROCEEDINGS OF CONGRESS.

In the HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

MONDAY, AUGUST 17, 1789.

Further sketch of the Debate on Amendments to the Constitution. In COMMITTEE OF THE WHOLE HOUSE.

SIXTH AMENDMENT—"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 person religiously scrupulous shall be compelled to bear arms."

Mr. BENSON moved that the words "but no person religiously scrupulous shall be compelled to bear arms," be struck out. He wished that this humane provision should be left to the benevolence of the government. It was improper to make it a fundamental in the constitution.

The motion was negatived, and the amendment agreed to. Mr. BURKE moved to add a clause to the last paragraph to this effect: That a standing army of regular troops in time of peace is dangerous to public liberty, and should not be supported in time of peace, except by the consent of two thirds of both houses.

This amendment was negatived. 7th Amendment. "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."

Mr. SUMPTER moved to strike out the words "in time of peace" and also the last words of the paragraph from the word "owner."

Mr. SHERMAN said he thought this was going too far; occasion might arise in which it would be extremely injurious to put it in the power of any man to obstruct the public service: He adverted to the British regulations in this case, of quartering soldiers in public houses. This motion was negatived.

Mr. GERRY said, that he conceived the article might be so altered as to relieve the minds of the citizens of the United States. It is said, government will take care of the rights of the people; but these amendments are designed to prevent the arbitrary exercise of power. He then moved to insert between the words "but" and "in a manner," the words by a civil magistrate. Negatived. The amendment was agreed to.

8th Amendment. "No person shall be subject, except in case of impeachment, to more than one trial for the same offence, nor shall be compelled 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."

Mr. BENSON observed, that it was certainly a fact, that a person might be tried more than once for the same offence: Instances of this kind frequently occurred. He therefore moved to strike out the words "one trial or." This was negatived.

Mr. SHERMAN was in favor of the motion. Mr. LIVERMORE was opposed to it: He said: The clause appears to me essential; if it is struck out, it will hold up the idea that a person may be tried more than once for the same offence. Some instances of this kind have taken place; but they have caused great uneasiness: It is contrary to the usages of law and practice among us; and so it is to those of that country from which we have adopted our laws. I hope the clause will not be struck out.

Mr. PARTRIDGE moved to insert after the words "same offence," the words by any law of the United States. Negatived.

Mr. LAURANCE moved to insert after the words "nor shall" these words in any criminal case. This amendment was agreed to. 9th Amendment. "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

Mr. LIVERMORE said, the clause appears to express much humanity, as such, he liked it; but as it appeared to have no meaning, he did not like it: As to bail, the term is indefinite, and must be so from the nature of things; and so with respect to fines; and as to punishments, taking away life is sometimes necessary, but because it may be thought cruel, will you therefore never hang any body—the truth is, matters of this kind must be left to the discretion of those who have the administration of the laws. This amendment was adopted.

10th Amendment. "The rights of the people to be secure in their persons, houses, papers and effects, shall not be violated without probable cause, supported by oath or affirmation, and not particularly describing the places to be searched, and the persons or things to be seized."

Mr. BENSON moved to insert after the words "and effects," these words "against unreasonable seizures, and searches." This was carried.

Mr. GERRY objected to the words, "by warrants issuing"—He said the provision was good, as far as it went; but he thought it was not sufficient: He moved that it be altered to and no warrant shall issue. This was negatived.

The question was then put on the amendment and carried. 11th Amendment. The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.

This was agreed to without amendment. 12th Amendment. Art. I, Sec. 10, between the 1st and 2d par. insert, "No state shall infringe the equal rights of conscience, nor freedom of speech, or of the press, nor of the right of trial by jury in criminal cases."

Mr. TUCKER moved to strike out these words altogether, as they were an interference with the Constitutions of the several States: The Constitution of the United States, he said, interfered too much already.

Mr. MADISON said he hoped the clause would be retained. I think, said he, these abuses are most likely to take place under the State governments; and if they are to be restrained in any thing, this appears to me the most necessary: We shall do what will be grateful to the people by retaining the clause. Mr. TUCKER's motion was negatived.

The words on motion of Mr. LIVERMORE were then transposed, and the amendment agreed to.

13th Amendment. Art. 3, Sec. 2, add to the 2d par. "But no appeal to such court shall be allowed, where the value in controversy shall not amount to one thousand dollars; nor shall any fact triable by jury, according to the course of common law, be otherwise re-examinable than according to the rules of common law."

Mr. BENSON moved to strike out the first part of the paragraph, respecting the limitation of appeals.