

number of Senators shall never be greater than one half, nor less than one third of the number of Representatives.

Immediately after the Senators shall be elected in consequence of the first election, the Senators residing in each county shall be divided by lot into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the first year; of the second class at the expiration of the second year; and of the third class at the expiration of the third year; so that one third may be chosen every year.

4. The General Assembly shall meet on the first Tuesday in January in every year, unless sooner convened by the Governor.

5. Each House shall choose its Speaker and other Officers; and also each House, whose Speaker shall exercise the office of Governor, may choose a Speaker pro tempore.

6. Each House shall judge of the elections, returns, and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but, a smaller number may adjourn from day to day, and shall be authorized to compel the attendance of absent members, in such manner and under such penalties as shall be deemed expedient.

7. Each house may determine the rules of its proceedings, punish any of its members for disorderly behavior, and with the concurrence of two thirds expel a member; and shall have all other powers necessary for a branch of the legislature of a free and independent State.

8. Each House shall keep a journal of its proceedings, and publish them immediately after every session, except such parts as may require secrecy; and the yeas and nays of the members on any question, shall at the desire of any member be entered on the journal.

9. The doors of each House, and of committees of the whole, shall be open, unless when the business is such as ought to be kept secret.

10. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

11. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the State: But, no law varying the compensation shall take effect, till an election of Representatives shall have intervened. They shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

12. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this State which shall have been created, or the emoluments of which shall have been increased during such time. No person concerned in any army or navy contract, no member of Congress, nor any person holding any office under this State, or the United States, (except Attorneys at Law and Officers in the Militia) shall during his continuance in Congress, or in office, be a Senator or Representative.

13. When vacancies happen in either House, writs of election shall be issued by the Speakers respectively, or in cases of necessity in such other manner as shall be provided for by law; and the persons thereupon chosen shall hold their seats as long as those in whose stead they are elected might have done, if such vacancies had not happened.

14. All bills for raising revenue shall originate in the House of Representatives; but, the Senate may propose alterations as on other bills; and no bill from the operation of which, when passed into a law, revenue may incidentally arise, shall be accounted a bill for raising revenue; nor shall any matter or clause whatever, not immediately relating to and necessary for raising revenue, be in any manner blended with, or annexed to, a bill for raising revenue.

15. No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published annually.

(TO BE CONTINUED.)

PARIS.

Oct. 21. Notwithstanding the present apparent public peace and tranquillity, it is visible that no small uneasiness exists relative to the very considerable emigrations that have taken place these some weeks past. It is a matter of serious concern also to see such quantities of cash every day transferred into foreign countries, which ought, in justice, to remain in the kingdom.—There is no doubt of the reality of the preparations making by the French ex-princes; and however discouraging their prospects may seem, they are by no means destitute of powerful friends. The passages leading to the French frontiers, are as much thronged by people, night and day, as the road between Paris and Versailles. The French inhabitants on the frontier provinces are extremely exasperated against the fugitives, and have unanimously declared, that upon the first authentic news of an invasion, they will immediately burn and destroy the buildings and possessions of the old nobility, and will give no quarter to any person whatever, who is found in arms, and in favor of restoring the old government. It is certain, that if a civil war does break out (and as far as depends on the emigrants, that will certainly be the case) it will be one of the most bloody that has ever happened in the annals of mankind.

Oct. 28. Notwithstanding the very considerable number of French officers that are reported to have deserted their posts on the frontiers, (some say 30 or 40 thousand) it is proved that these accounts are exaggerated. A letter from the minister of war to the National Assembly, states the matter as follows. The total number of officers in the French is from ten to eleven thousand, from which have deserted not more than two thousand, exclusive of the body-guards of the king and princes, which are something short of 1400; and perhaps eight or nine hundred more from the old reformed corps; so that the whole number of deserters is between four and five thousand; who have resorted to the several rendezvous of the ex-princes.—It is certain that the number of soldiers that have deserted to the party of the princes is not near so considerable as that of the officers, and considering the obstacles that the German princes have thrown in the way of recruiting for the French princes, it does not seem probable that they will ever be in a condition to invade France with any prospect of success.



CONGRESS.

PHILADELPHIA.

HOUSE OF REPRESENTATIVES,  
THURSDAY, JANUARY 5, 1791.

The House proceeded in the consideration of the Post-Office Bill.

MR. FITZSIMONS' proposition for authorizing the stages which transport the mail to carry passengers—was further discussed.

Mr. Clark objected to the proposition—he thought it would give rise to a contest between the state and general governments, which he conceived was unnecessary, and had better be avoided.

Mr. Seney also objected to it—he said, before such a clause was agreed to, it certainly was incumbent on the gentlemen in favor of it, to shew that the regulations in the several states which would be affected by it, had, or would obstruct the transportation of the mail—except this was made to appear, it ought to be well considered how far the interference with those privileges would tend to disturb the tranquillity of the government.

Mr. Livermore said he had no doubts on this subject—the right of Congress to send the mail in that way which will be most for the public advantage, cannot be controverted.—Let gentlemen, said he, consider what would be the consequence, if similar monopolies existed in all the other states—it would entirely render nugatory the power of Congress to establish post-offices and post-roads.—The consequences of this are easily to be conceived.—It is said, that the persons vested with these exclusive privileges, have contracted on as easy terms as the post-master general could have contracted with any other persons—but it does not follow that they will not extort in future—it certainly destroys all competition, and leaves the United States entirely in the power of these persons. He hoped that the House would not hesitate to adopt the proposition.

Mr. Seney replied to Mr. Livermore, in a few remarks, in which he justified the states of Maryland and Virginia for granting the monopolies in question.

Mr. Gerry said he was in favor of the proposition.—He asserted that the power to establish post-roads was coeval with that of establishing post-offices; if the former power is not in Congress, they have already proceeded too far in exercising the latter power.—It has been said, that the states had a right to grant these monopolies—to this he conceded, that they had, previous to the adoption of the constitution; but in consequence of that event, all such laws are null and void of course.—It is become necessary for Congress to carry their power in this respect into execution—for he had been informed from good authority, that the post-master general could not contract with these persons upon the same terms that he could with others.—He instanced other inconveniences and disadvantages resulting from this situation of the business, especially by an unnecessary detention of the mail for two days every week.—Congress ought to define and declare their powers, that those states which have passed laws incompatible therewith, may repeal them. With respect to the power of establishing post-offices, none of the states claim a participation of that power; and as to the establishing post-roads, if the states possess any power in that case, Congress certainly possess a concurrent power—and therefore this government may certainly make the necessary regulations, where the states have either made improper regulations, or no regulations at all.—He conceived that justice to individuals and to the United States, rendered it absolutely necessary for Congress to exercise the power.

Mr. Niles enquired, what is the import of the present question? It is not, Sir, whether you may carry your mail through any of the states, on foot, on horseback, or in a stage-coach. It is not contended, that any law of any state can, constitutionally, prevent this. The states, by adopting the constitution, have ceded their right to you, and, of course, divested themselves of all right, to prevent you from exercising it. But, Sir, the question is simply, whether Congress have a right to authorize the carrier of the mail to carry passengers, on hire, through those states where an exclusive right of carrying passengers for hire, has been granted by the state government, and still exists.—You are empowered by the constitution to establish post-offices and post-roads, and to do whatever may be necessary and proper to carry that power into effect. Now, Sir, is it necessary, in order to the transportation of your mail,

that you should erect stage-coaches for the purpose of transporting passengers? What has your mail to do with passengers transported for hire? Why, Sir, nothing more than this, by granting to the carrier of your mail, a right to carry passengers for hire, the carriage of the mail be a little less expensive. Does this consideration render it necessary and proper, for you to violate the laws of the states? If not, you will, by so doing, violate their rights, and overleap the bounds of your own. This business may occasion a legal adjudication, in order to which the judiciary must determine, whether you have a constitutional right to establish this regulation, and this will depend on the question whether it be necessary and proper: A curious discretionary law question! Such an one as I presume never entered the thought of the states, when they adopted the constitution.

But, Sir, if the trifling pecuniary saving proposed by this regulation, entitles it to the character of a necessary one; or in the sense of the constitution, a proper one, and so a constitutional one, what may not Congress do under the idea of propriety—It may be proper, for the sake of a more advantageous contract for carrying the mail, to authorize the carrier to erect ferry-boats, for the transportation both of the mail and of passengers—or to grant the right of driving herds of cattle over toll bridges and turn-pike roads toll free, in violation both of legal and prescriptive rights.—To erect post-houses under peculiar regulations, and with exclusive right. What, Sir, may not be construed as proper to be done by Congress? Under this idea, the whole powers vested in Congress by the constitution, will be found in the magic word proper, and the states might have spared, as nugatory, all their deliberations on the constitution, and have constituted a Congress with general authority to legislate, on every subject, and in any manner it might think proper. What rights then remain to the states? None, Sir, but the empty denomination of republican governments. I consider the proposition as an attack upon the rights of the states, and shall therefore give my vote against it.

Mr. Barnwell said he had no doubt of the constitutionality of the proposition—but he was of opinion that the present was not the most eligible time to exercise the power.—Still he was of opinion that Congress ought now to declare that it would exercise it at the expiration of the contracts which at present exist between particular states and individuals, and he moved a proviso to that effect.

Mr. Lawrance was in sentiment with Mr. Barnwell, and seconded his motion for adding a proviso, as above.

Mr. Clark objected to the proviso—it was legislating on a subject which the House was entirely ignorant of—we do not know how long those contracts are to exist; why should we then interfere in a business which we ought not to do any thing about.—We may set aside the law, or the state may abrogate it, but in either case, the proprietors would be entitled to a full indemnification.—For his part, he thought the House was getting into a maze—the bill has long been under consideration, and we seem to make no progress. I could wish, said he, that the whole bill was buried, and that we might hear no more of post-offices and post-roads.

Mr. Venable controverted the constitutionality of an interference on the part of Congress in respect to these monopolies.—He observed that the constitution was totally silent on the subject of passengers, it simply relates to the transportation of letters.—And he conceived that the operation of the proposition, would be to create monopolies on the part of the United States.

It was here contended that the proviso was not in order.—The Speaker said it was not in order—an appeal was then made to the House, which voted that the proviso was in order—and was then discussed.]

Mr. Wadsworth said he was opposed to both the clause and the proviso, he conceived there was no occasion for either.—The state of Connecticut has granted exclusive privileges to run stages in that state—but has reserved to itself the power to annihilate those contracts at pleasure; and whenever the general government shall make provision for transporting the mail on those roads, those exclusive privileges will cease—and he did not know but that this was the case in other states.

Mr. Livermore said the proviso was the most extraordinary he had ever heard in his life—we in the first place in effect abrogate certain laws of particular states, and then by a proviso, confirm those very laws.

Mr. Lawrance contended, that however extraordinary the proviso may appear to be, it was strictly proper.—Contracts are not to be violated—once formed, they are sacred—the states had a right to form those contracts, and to grant those privileges, and therefore the persons enjoying those advantages, cannot be deprived of them—and though the general government has undoubtedly a right to take the most eligible methods for the transportation of the mail, yet the rights of these people ought not to be violated.