

Congress of the United States. In the House of representatives, Tuesday, the 27th of July, 1789. Mr. Vining, from the Committee of eleven, to whom it was referred to take the subject of amendments to the constitution of the United States, generally into their consideration, and to report thereupon, made a report which was read, and is as followeth ... New York, Printed by Thomas Greenleaf [1789].

July 28 1789

CONGRESS OF THE UNITED STATES.

In the House of Representatives, Tuesday, the 28th of July, 1789.

MR. VINING, *from the Committee of eleven, to whom it was referred to take the subject of AMENDMENTS to the CONSTITUTION of the UNITED STATES, generally into their confederation, and to report thereupon, made a report, which was read, and is as followeth:*

IN the introductory paragraph before the words, "*We the people,*" add, "The Government being intended for the benefit of the people, and the "rightful establishment thereof being derived from their authority alone."

Art. 1, Sec. 2, Par. 3—Strike out all between the words, "*direct*" and "*and until such,*" and instead thereof insert, "After the first enumeration there shall "be one representative for every thirty thousand until the number shall "amount to one hundred; after which the proportion shall be so regulated "by Congress that the number of Representatives shall never be less than "one hundred, nor more than one hundred and seventy-five, but each "State shall always have at least one Representative."

Art. 1, Sec. 6—Between the words "*United States,*" and "*shall in all cases,*" strike out "*they,*" and insert, "But no law varying the compensation shall take "effect until an election of Representatives shall have intervened. The "members."

Art. 1, Sec. 9—Between Par. 2 and 3 insert, "No religion shall be "established by law, nor shall the equal rights of conscience be infringed."

"The freedom of speech, and of the press, and the right of the people peaceably to assemble and consult for their common good, and to apply to the government for redress of grievances, shall not be infringed."

"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."

"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."

"No person shall be subject, except in case of impeachment, to more than one trial or one punishment 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."

"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

"The right of the people to be secure in their person, houses, papers and effects, shall not be violated by warrants issuing, without probable cause 2

Portfolio 211 # 12

supported by oath or affirmation, and not particularly describing the places to be searched, and the persons or things to be seized."

"The enumeration in this Constitution of certain rights shall not be construed to deny or disparage others retained by the people."

Art. 1, Sec. 10, between the 1st and 2d Par. insert, "No State shall infringe the equal rights of conscience, nor the freedom of speech, or of the press, nor of the right of trial by jury in criminal cases."

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 a jury according to the course of the common law, be otherwise re-examinable than according to the rules of common law."

Art. 3, Sec. 2—Strike out the whole of the 3d paragraph, and insert—"In all criminal prosecutions the accused shall enjoy the right to a speedy "and public trial, to be informed of the nature and cause of the accusation, "to be confronted with the witnesses against him, to have compulsory process "for obtaining witnesses in his favor, and to have the assistance of counsel "for his defence."

"The trial of all crimes (except in cases of impeachment, and in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger) shall be by an impartial jury of freeholders of the vicinage, with the requisite of unanimity for conviction, the right of challenge and other accustomed requisites; and no person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment by a Grand Jury; but if a crime be committed in a place in the possession of an enemy, or in which an insurrection may prevail, the indictment and trial may by law be authorized in some other place within the same State; and if it be committed in a place not within a State, the indictment and trial may be at such place or places as the law may have directed."

"In suits at common law the right of trial by jury shall be preserved."

"Immediately after Art. 6, the following to be inserted as Art. 7."

"The powers delegated by this Constitution to the government of the United States, shall be exercised as therein appropriated, so that the Legislative shall never exercise the powers vested in the Executive or the Judicial; nor the Executive the powers vested in the Legislative or Judicial; nor the Judicial the powers vested in the Legislative or Executive."

"The powers not delegated by this Constitution, nor prohibited by it to the States, are reserved to the States respectively."

Art. 7 to be made Art. 8.

Extract from the Journal, JOHN BECKLEY, Clerk.

[NEW-YORK, Printed by THOMAS GREENLEAF.]

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