

FRIDAY, JUNE 15, 1787.

JOURNAL

Friday June 15. 1787.

Mr. Patterson submitted several resolutions to the consideration of the House, which he read in his place, and afterwards delivered in at the Secretary's table —<sup>1</sup> They were then read — and

It was moved by Mr Madison seconded by Mr Sherman to refer the resolutions, offered by Mr Patterson, to a Committee of the whole House

which passed in the affirmative [Ayes — 11; noes — 0.]<sup>2</sup>

It was moved by Mr Rutledge seconded by Mr Hamilton to recommit the resolutions reported from a Committee of the whole House.

which passed in the affirmative.

Resolved that this House will to-morrow resolve itself into a Committee of the whole House to consider of the state of the american union.

And then the House adjourned till to-morrow at 11 o'clock. A. M.

DETAIL OF AYES AND NOES

	New Hampshire	Massachusetts	Rhode Island	Connecticut	New York	New Jersey	Pennsylvania	Delaware	Maryland	Virginia	North Carolina	South Carolina	Georgia	Questions	Ayes	Noes	Divided
[62]	aye			aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	To resolve the House into a Committee of the whole House	11		
[63] <sup>3</sup>	aye		aye				aye	aye	aye	aye	aye	aye	aye	The Electors to be paid out of the national Treasury			

[End of second loose sheet]

<sup>1</sup> A copy of these resolutions is not to be found among the papers of the Convention deposited by Washington with the Secretary of State in 1796.

<sup>2</sup> Vote 62, Detail of Ayes and Noes. But this vote might apply to any of the questions of this day, or to the first question on June 16, 18, or 19,

<sup>3</sup> Vote 63 belongs to the Records of July 21.

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MADISON

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## MADISON

Friday June 15th. (1787.)

Mr. Patterson, laid before the Convention the plan which he said several of the deputations wished to be substituted in place of that proposed by Mr. Randolph. After some little discussion of the most proper mode of giving it a fair deliberation it was agreed that it should be referred [to a Committee of the Whole, and that in order to place the two plans in due comparison, the other should be recommitted. At the earnest desire of Mr. Lansing & some other gentlemen, it was also agreed that the Convention should not go into Committee of the whole on the subject till tomorrow, by which delay the friends of the plan proposed by Mr. Patterson wd. be better prepared to explain & support it, and all would have an opportunity of taking copies.\* —

The propositions from N. Jersey moved by Mr. Patterson were in the words following.<sup>5</sup>

I. Resd. that the articles of Confederation ought to be so revised, corrected & enlarged, as to render the federal Constitution adequate to the exigences of Government, & the preservation of the Union.

\* (this plan had been concerted among the deputations or members thereof, from Cont. N. Y. N. J. Del. and perhaps Mr Martin from Maryd. who made with them a common cause on different principles. Cont. and N. Y. were agst. a departure from the principle of the Confederation, wishing rather to add a few new powers to Congs. than to substitute, a National Govt. The States of N. J and Del. were opposed to a National Govt. because its patrons considered a proportional representation of the States as the basis of it. The eagourness displayed by the Members opposed to a Natl. Govt. from these different (motives) began now to produce serious anxiety for the result of the Convention.—Mr. Dickenson said to Mr. Madison you see the consequence of pushing things too far. Some of the members from the small States wish for two branches in the General Legislature, and are friends to a good National Government; but we would sooner submit to a foreign power, than submit to be deprived of an equality of suffrage, in both branches of the legislature, and thereby be thrown under the domination of the large States.)<sup>4</sup>

<sup>4</sup> See Appendix A, CLVIII (5) and (10), CCXXXIII, CCCLXXVI, and Appendix E.

<sup>5</sup> The various texts of the New Jersey Plan or Paterson Resolutions are discussed in Appendix E.

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2. Resd. that in addition to the powers vested in the U. States in Congress, by the present existing articles of Confederation, they be authorized to pass acts for raising a revenue, by levying a duty or duties on all goods or merchandizes of foreign growth or manufacture, imported into any part of the U. States, by Stamps on paper, vellum or parchment, and by a postage on all letters or packages passing through the general post-Office, to be applied to such federal purposes as they shall deem proper & expedient; to make rules & regulations for the collection thereof; and the same from time to time, to alter & amend in such manner as they shall think proper: to pass Acts for the regulation of trade & commerce as well with foreign nations as with each other; provided that all punishments, fines, forfeitures & penalties to be incurred for contravening such acts rules and regulations shall be adjudged by the Common law Judiciaries of the State in which any offence contrary to the true intent & meaning of such Acts rules & regulations shall have been committed or perpetrated, with liberty of commencing in the first instance all suits & prosecutions for that purpose in the superior Common law Judiciary in such State, subject nevertheless, for the correction of all errors, both in law & fact in rendering judgment, to an appeal to the Judiciary of the U. States

3. Resd. that whenever requisitions shall be necessary, instead of the rule for making requisitions mentioned in the articles of Confederation, the United States in Congs. be authorized to make such requisitions in proportion to the whole number of white & other free citizens & inhabitants of every age sex and condition including those bound to servitude for a term of years & three fifths of all other persons not comprehended in the foregoing description, except Indians not paying taxes; that if such requisitions be not complied with, in the time specified therein, to direct the collection thereof in the non complying States & for that purpose to devise and pass acts directing & authorizing the same; provided that none of the powers hereby vested in the U. States in Congs. shall be exercised without the consent of at least

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States, and in that proportion if the number of Confederated States should hereafter be increased or diminished.

4. Resd. that the U. States in Congs. be authorized to elect a federal Executive to consist of \_\_\_\_\_ persons, to continue in office for the term of \_\_\_\_\_ years, to receive punctually at stated times a fixed compensation for their services, in which no increase or diminution shall be made so as to affect the persons composing the Executive at the time of such increase or diminution, to be paid out of the federal treasury; to be incapable of holding any other office or appointment during their time of service and for \_\_\_\_\_ years thereafter; to be ineligible a second time, & removeable by Congs. on application by a majority of the Executives of the several States; that the Executives besides their general authority to execute the federal acts ought to appoint all federal officers not otherwise provided for, & to direct all military operations; provided that none of the persons composing the federal Executive shall on any occasion take command of any troops, so as personally to conduct any enterprise as General, or in other capacity.

5. Resd. that a federal Judiciary be established to consist of a supreme Tribunal the Judges of which to be appointed by the Executive, & to hold their offices during good behaviour, to receive punctually at stated times a fixed compensation for their services in which no increase or diminution shall be made, so as to affect the persons actually in office at the time of such increase or diminution; that the Judiciary so established shall have authority to hear & determine in the first instance on all impeachments of federal officers, & by way of appeal in the dernier resort in all cases touching the rights of Ambassadors, in all cases of captures from an enemy, in all cases of piracies & felonies on the high seas, in all cases in which foreigners may be interested, in the construction of any treaty or treaties, or which may arise on any of the Acts for regulation of trade, or the collection of the federal Revenue: that none of the Judiciary shall during the time they remain in Office be capable of receiving or holding any other office or appointment during their time of service, or for thereafter.

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6. Resd. that all Acts of the U. States in Congs. made by virtue & in pursuance of the powers hereby & by the articles of confederation vested in them, and all Treaties made & ratified under the authority of the U. States shall be the supreme law of the respective States so far forth as those Acts or Treaties shall relate to the said States or their Citizens, and that the Judiciary of the several States shall be bound thereby in their decisions, any thing in the respective laws of the Individual States to the contrary notwithstanding; and that if any State, or any body of men in any State shall oppose or prevent ye. carrying into execution such acts or treaties, the federal Executive shall be authorized to call forth ye power of the Confederated States, or so much thereof as may be necessary to enforce and compel an obedience to such Acts, or an Observance of such Treaties.

7. Resd. that provision be made for the admission of new States into the Union.

8. Resd. the rule for naturalization ought to be the same in every State

9. Resd. that a Citizen of one State committing an offence in another State of the Union, shall be deemed guilty of the same offence as if it had been committed by a Citizen of the State in which the Offence was committed.\*

Adjourned

\* <This copy of Mr. Patterson's propositions varies in a few clauses from that in the printed Journal furnished from the papers of Mr. Brearley a Colleague of Mr. Patterson. A confidence is felt, notwithstanding, in its accuracy. That the copy in the Journal is not entirely correct is shewn by the ensuing speech of Mr. Wilson (June 16) in which he refers to the mode of removing the Executive by impeachment & conviction as a feature in the Virga. plan forming one of its contrasts to that of Mr. Patterson, which proposed a removal on the application of a majority of the Executives of the States. In the copy printed in the Journal, the two modes are combined in the same clause; whether through inadvertence, or as a contemplated amendment does not appear.>\*

\* See Appendix E.

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YATES

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## YATES

FRIDAY, JUNE 15th, 1787.

Met pursuant to adjournment. Present 11 states.

Mr. Patterson, pursuant to his intentions as mentioned yesterday, read a set of resolves as the basis of amendment to the confederation. (*See those resolves annexed.*)<sup>7</sup>

He observed that no government could be energetic on paper only, which was no more than straw — that the remark applied to the one as well as to the other system, and is therefore of opinion that there must be a small standing force to give every government weight.

Mr. Madison moved for the report of the committee, and the question may then come on whether the convention will postpone it in order to take into consideration the system now offered.

Mr. Lansing is of opinion that the two systems are fairly contrasted. The one now offered is on the basis of amending the federal government, and the other to be reported as a national government, on propositions which exclude the propriety of amendment. Considering therefore its importance, and that justice may be done to its weighty consideration, he is for postponing it a day.

Col. Hamilton cannot say he is in sentiment with either plan — supposes both might again be considered as federal plans, and by this means they will be fairly in committee, and be contrasted so as to make a comparative estimate of the two.

Thereupon it was agreed, that the report be postponed, and that the house will resolve itself into a committee of the whole, to take into consideration both propositions to-morrow. Then the convention adjourned to to-morrow morning.

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<sup>7</sup> Not found, see *Records*, July 5, note 18.

Friday

KING

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## KING

1. To enlarge the powers of Confed. &c
2. To authorise Congress to receive an Imp. on the Imp. of For. Goods—stamp Art. & Postage of Letters—to pass acts regulating Foreign & Domest. Commerce, to pass regulations or ordinance relative to revenue & commerce, *provided* that the recovery of Fines Forfitures shd. be in the common law Judiciaries of the several States wh. appeal &c
3. The rule of apportioning Requis: on the States shall be the Whites  $\frac{2}{3}$  of all others — if the Req. is in arrear in any State, Congress shall have authority to devise & pass acts remedial in such case
4. Cong. to app — persons as an Executive to be in Office — years wh. fixed Salary & ineligible a secd. Time, & removable by Cong. on appln. of a majory. of the Executives of the several States, but none of the Executive personally to command any military Expedn.
5. Sup. Judl. appd. by the Executive during good behaviour to try impeachmts. of fed. Officers, & appeals from the State Judicials in all cases where Foreignrs. are concernd. in the Construction of Treaties, or where the Acts of Trade & Revenue are contravened
6. The Acts Treaties &c &c to be paramount to State Laws and when any State or body of men oppose Treaties or general Laws, the Executive to call forth the force of the Union to enforce the Treaty or Law — 8 Naturalization to be the same in every State —
- 9 a Citizen offending in one state & belonging to another State, to be deemed Guilty of the same Offence as though the offence was committed by a Citizen of the State where the Offence was committed

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\* [Endorsed:] Plan of | Reform of Old Confedn | Quere if by N. Jersey