

THURSDAY, SEPTEMBER 13, 1787.

JOURNAL

Thursday September 13. 1787.

The honorable Mr Johnson from the Committee of revision reported the following as a substitute for the 22nd and 23rd articles<sup>1</sup>

Resolved that the preceeding Constitution be laid before the United States in Congress assembled, and that it is the opinion of this Convention that it should afterwards be submitted to a Convention of Delegates, chosen in each State by the People thereof, under the recommendation of it's Legislature; for their assent and ratification. and that each Convention assenting to, and ratifying, the same should give notice thereof to the United States in Congress assembled.

Resolved that it is the opinion of this Convention that as soon as the Conventions of nine States, shall have ratified this Constitution, the United States in Congress assembled should fix a day, on which Electors should be appointed by the States which shall have ratified the same: and a day on which the Electors should assemble to vote for the President: and the Time and Place for commencing proceedings under this constitution That after such publication the electors should be appointed, and the Senators and Representatives elected: That the Electors should meet on the Day fixed for the Election of the President, and should transmit their votes certified, signed, sealed, and directed, as the Constitution requires, to the Secretary of the United States in Congress assembled, that the Senators and representatives should convene at the Time and place assigned, that the Senators should appoint a President of the Senate for the sole purpose of receiving,

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<sup>1</sup> Note in margin "Present from N H".

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opening, and counting the votes for President; and that after he shall be chosen, the Congress together with the President should without delay proceed to execute this Constitution [To postpone the report respecting the 22nd and 23rd Ayes — 9; noes — 1.]<sup>2</sup>

The clause offered to the House yesterday to be added to the 13th article being withdrawn — It was moved and seconded to agree to the following amendment to the 13th article

Provided that no State shall be restrained from imposing the usual Duties on produce exported from such State, for the sole purpose of defraying the charges of inspecting, packing, storing, and indemnifying the losses on such produce, while in the custody of public Officers: but all such regulations shall, in case of abuse, be subject to the revision and controul of Congress.

which passed in the affirmative. [Ayes — 7; noes — 3.]<sup>3</sup> It was moved and seconded to proceed to the comparing of the report, from the Committee of revision, with the articles which were agreed to by the House; and to them referred for arrangement.

which passed in the affirmative and the same was read by paragraphs, compared, and in some places corrected and amended.

[To agree to add “for two years” Ayes — 1; noes — 10. to insert “service” instead of “servitude” Ayes — 11; noes — 0.

To strike out the words “and direct taxes” Ayes — 3; noes — 8.

Ayes — 3; noes — 8.

To rescind the rule for adjournment Ayes — 6; noes — 5.

Ayes — 3; noes — 7; divided — 1.

To strike out the word “to” before establish justice Ayes — 8; noes — 2.]<sup>4</sup>

<sup>2</sup> Vote 514, Detail of Ayes and Noes. Votes 512-513, Detail of Ayes and Noes, might be repeated here. They are as likely to belong to this day's records as to those of September 12.

<sup>3</sup> Vote 515, Detail of Ayes and Noes.

<sup>4</sup> Votes 516-522, Detail of Ayes and Noes.

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## DETAIL OF AYES AND NOES.

	New Hampshire	Massachusetts	Rhode Island	Connecticut	New York	New Jersey	Pennsylvania	Delaware	Maryland	Virginia	No Carolina	So Carolina	Georgia	Questions	ayes	noes	divided
[512]	aye			aye	aye	aye	aye	aye	aye	aye	aye	aye	aye				
[513]	no			aye	no	aye	no	aye	aye	aye	aye	aye	aye	To agree to Commodities	7	3	
[514]	aye			no	aye	aye	aye	aye	aye	aye	aye	aye	aye	To postpone the report respecting the 22nd and 23rd	9	1	
[515]	aye	aye		aye		no	no	aye	aye	aye	no	aye			7	3	
[516]	no	aye		no	no	no	no	no	no	no	no	no	no	To agree to add "for two years"	1	10	
[517]	aye	aye		aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	to insert "service" instead of "servitude"			
[518]	no	no		no	aye	no	aye	aye	no	no	no	no	no	To strike out the words "and direct Taxes"	3	8	
[519]	no	no		no	no	aye	no	aye	aye	no	no	no	no		3	8	
[520]	aye	aye		no	no	no	no	no	aye	aye	aye	aye	aye	To rescind the rule for adjournment	6	5	
[521]	no	no		no	no	aye	no	aye	no	aye	dd	no	no		3	7	1
[522]	aye	aye		aye	no		aye	aye	no	aye	aye	aye	aye	To strike out the word "to" before establish justice			

## MADISON

Thursday Sept. 13. 1787. In Convention

Col. Mason — He had moved without success for a power to make sumptuary regulations. He had not yet lost sight of his object. After descanting on the extravagance of our manners, the excessive consumption of foreign superfluities, and the necessity of restricting it, as well with œconomical as republican views, he moved that a Committee be appointed to report articles of Association for encouraging by the advice the influence and the example of the members of the Convention, œconomy frugality and american manufactures.

Doct Johnson 2ded the motion which was without debate agreed to — nem: con: and a Committee appointed, consisting

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of Col: Mason, Doctr. Franklin, Mr. Dickenson, Doctr Johnson, and Mr. Livingston.\*

Col: Mason renewed his proposition of yesterday on the subject of inspection laws, with an additional clause giving to Congress a controul over them in case of abuse — as follows,

“Provided that no State shall be restrained from imposing the usual duties on produce exported from such State, for the sole purpose of defraying the charges of inspecting, packing, storing, and indemnifying the losses on such produce, while in the custody of public officers: but all such regulations shall in case of abuse, be subject to the revision and controul of Congress —”<sup>5</sup>

There was no debate & on the question

N—H— ay. Mas. ay. Ct. ay. Pa. no. Del. no. Md. ay. Va. ay. N—C— ay. S. C. no—Geo. ay. [Ayes — 7; noes — 3.]

The Report from the Committee of stile and arrangement, was taken up, in order to be compared with the articles of the plan as agreed to by the House & referred to the Committee, and to receive the final corrections and sanction of the Convention.

Art: 1— sect. 2— On motion of Mr. Randolph the word “servitude” was struck out, and “service” (†unanimously) inserted, the former being thought to express the condition of slaves, & the latter the obligations of free persons.

Mr Dickenson & Mr. Wilson moved to strike out “and direct taxes,” from sect. 2. art. 1. as improperly placed in a clause relating merely to the Constitution of the House of Representatives.

Mr. Govr. Morris. The insertion here was in consequence of what had passed on this point; in order to exclude the appearance of counting the Negroes in *the Representation* — The including of them may now be referred to the object of direct taxes, and incidentally only to that of Representation —

\* (This motion & appointment of the Committee, not in the printed Journal. No report was made by the Come.)

† (See page 372 of the printed Journal.)

<sup>5</sup> See also August 25, note 13.

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On the motion to strike out "and direct taxes" from this place

N— H— no— Mas— no— Ct. no. N— J— ay. Pa. no. Del. ay. Md ay. Va. no— N. C. no. S. C. no. Geo. no. [Ayes — 3; noes — 8.]

Art. 1. sect. (7)." — "if any bill shall not be returned by the president within ten days (sundays excepted) after it shall have been presented to him &c"

Mr. Madison, & moved to insert between "after" and "it," (in sect. 7. art. 1) the words "the day on which" — in order to prevent a question whether the day on which the bill be presented, ought to be counted or not as one of the ten days —

Mr Randolph 2ded the Motion.

Mr. Governur Morris. The amendment is unnecessary. The law knows no fractions of days —

A number of members being very impatient & calling for the question<sup>6</sup>

N. H. no. Mas. no. Ct. no. N— J. no. Pa. ay. Del. no— Md ay— Va ay. N— C. no. S— C. no. Geo. no— [Ayes — 3; noes — 8.]

Docr. Johnson made a further report from the Committee of stile &c of the following resolutions to be substituted for 22 & 23 articles

Resolved that the preceding Constitution be laid before the U— States in Congress assembled, and that it is the opinion of this Convention, that it should afterwards be submitted to a Convention of Delegates chosen in each State by the people thereof, under the recommendation of its Legislature, for their assent & ratification; & that each Convention assenting & ratifying the same should give notice thereof to the U— S— in Congs. assembled—

"Resolved that it is the opinion of this Convention that as soon as the Conventions of nine States, shall have ratified this Constitution, the U— S— in Congs. assembled should fix a day on which electors should be appointed by the States

<sup>6</sup> See Appendix A, CXCI.

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which shall have ratified the same; and a day on which the Electors should assemble to vote for the President; and the time and place for commencing proceedings under this Constitution — That after such publication the Electors should be appointed, and the Senators and Representatives elected: That the Electors should meet on the day fixed for the election of the President, and should transmit their votes certified signed, sealed and directed, as the Constitution requires, to the Secretary of the U— States in Congs assembled: that the Senators and Representatives should convene at the time & place assigned; that the Senators should appoint a President for the sole purpose of receiving, opening, and counting the votes for President, and after that he shall be chosen, the Congress, together with the President should without delay proceed to execute this Constitution.”<sup>7</sup>

Adjourned

McHENRY

*13 Sepr.*

Recd. read and compared the new printed report with the first printed amended report. Made some verbal alterations, and inserted the propositions moved by Maryland which had been overlooked.

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<sup>7</sup>The proceedings on these resolutions are not given in the Journal nor by Madison; in the report to Congress September 28, 1787, they are dated September 17.