

THURSDAY, JULY 26, 1787.

JOURNAL

Thursday July 26. 1787.

It was moved and seconded to amend the third clause of the resolution respecting the national executive so as to read as follows, namely

“for the term of seven years to be ineligible a second “time”

which passed in the affirmative [Ayes — 7; noes — 3.]

On the question to agree to the whole resolution respecting the supreme Executive namely.

Resolved That a national Executive be instituted

to consist of a Single Person

to be chosen by the national Legislature

for the term of seven years

to be ineligible a second time

with power to carry into execution the national Laws

to appoint to Offices in cases not otherwise provided for.

to be removable on impeachment and conviction of malpractice or neglect of duty.

to receive a fixed compensation for the devotion of his time to public service

to be paid out of the public Treasury.

it passed in the affirmative. [Ayes — 6; noes — 3; divided — 1.]

It was moved and seconded to agree to the following Resolution namely.

Resolved That it be an instruction to the Committee to whom were referred the proceedings of the Convention for the establishment of a national government, to receive a clause or clauses, requiring certain qualifications of landed prop-

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erty and citizenship in the United States for the Executive, the Judiciary, and the Members of both branches of the Legislature of the United States; and for disqualifying all such persons as are indebted to, or have unsettled accounts with the United States from being Members of either Branch of the national Legislature.

It was moved and seconded to strike out the word "landed"

it passed in the affirmative [Ayes — 10; noes — 1.]

On the question to agree to the clause respecting the qualification as amended

it passed in the affirmative [Ayes — 8; noes — 3.]

It was moved and seconded to add the words "and Pensioners of the Government of the United States" to the clause of disqualification

which passed in the negative. [Ayes — 3; noes — 7; divided — 1.]

It was moved and seconded to strike out the following words, namely

"or have unsettled accounts with"

which passed in the affirmative. [Ayes — 9; noes — 2.]

On the question to agree to the clause of disqualification as amended

it passed in the negative [Ayes — 2; noes — 9.]

It was moved and seconded to agree to the following resolution namely

Resolved that it be an instruction to the Committee to whom were referred the proceedings of the Convention for the establishment of a national Government, to receive a clause or clauses for preventing the seat of the national Government being in the same City or Town with the seat of the Government of any State, longer than until the necessary public Buildings can be erected.

It was moved and seconded to postpone the consideration of the last resolution.

It was moved and seconded to refer such proceedings of the Convention, as have been agreed on since Monday last, to the Committee of detail

which passed unanimously in ye affirmative

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[To adjourn till monday August Ayes—11; noes—0.]<sup>1</sup>  
and then the House adjourned till monday Augt 6th

## 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
[224]	aye			no		aye	no	no	aye	aye	aye	aye	aye	for the term of "seven years" "to be ineligible a second time." (supreme Executive)	7	3	
[225]	aye			aye		aye	no	no	no	dd	aye	aye	aye	To agree to the whole resolution respecting the supreme Executive	6	3	1
[226]	aye	aye		aye		aye	aye	aye	no	aye	aye	aye	aye	To strike out the word "landed" in the qualification	10	1	
[227]	aye	aye		no		aye	no	no	aye	aye	aye	aye	aye	To agree to the clause of qualification	8	3	
[228]	no	aye		no		no	no	no	aye	no	dd	no	aye	To agree to the amendment for disqualification officers under the government and Pensioners.	3	7	1
[229]	aye	aye		aye		no	aye	aye	aye	aye	aye	aye	no	To strike out the words or have unsettled accounts with	9	2	
[230]	no	no		no		no	no	no	no	no	aye	no	aye	To agree to the clause of disqualification	2	9	
[231]	aye	aye		aye		aye	aye	aye	aye	aye	aye	aye	aye	To adjourn till monday August			

End of seventh loose sheet]

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Col. Mason. In every Stage of the Question relative to the Executive, the difficulty of the subject and the diversity of the opinions concerning it have appeared. Nor have any of the modes of constituting that department been satisfac-

<sup>1</sup> Vote 231, Detail of Ayes and Noes.

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tory. 1. It has been proposed that the election should be made by the people at large; that is that an act which ought to be performed by those who know most of Eminent characters, & qualifications, should be performed by those who know least. 2 that the election should be made by the Legislatures of the States. 3. by the Executives of the States. Agst these modes also strong objections have been urged. 4. It has been proposed that the election should be made by Electors chosen by the people for that purpose. This was at first agreed to: But on further consideration has been rejected. 5. Since which, the mode of Mr Williamson, requiring each freeholder to vote for several candidates has been proposed. This seemed like many other propositions, to carry a plausible face, but on closer inspection is liable to fatal objections. A popular election (in any form), as Mr. Gerry has observed, would throw the appointment into the hands of the Cincinnati, a Society for the members of which he had a great respect; but which he never wished to have a preponderating influence in the Govt. 6. Another expedient was proposed by Mr. Dickenson, which is liable to so palpable & material an inconvenience that he had little (doubt) of its being by this time rejected by himself. It would exclude every man who happened not to be popular within his own State; tho' the causes of his local unpopularity might be of such a nature as to recommend him to the States at large. 7. Among other expedients, a lottery has been introduced. But as the tickets do not appear to be in much demand, it will probably, not be carried on, and nothing therefore need be said on that subject. After reviewing all these various modes, he was led to conclude— that an election by the Natl Legislature as originally proposed, was the best. If it was liable to objections, it was liable to fewer than any other. He conceived at the same time that a second election ought to be absolutely prohibited. Having for his primary object, for the pole star of his political conduct, the preservation of the rights of the people, he held it as an essential point, as the very palladium of Civil liberty, that the great officers of State, and particularly the Executive should at fixed periods return

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to that mass from which they were at first taken, in order that they may feel & respect those rights & interests, Which are again to be personally valuable to them. He concluded with moving that the constitution of the Executive as reported by the Come. of the whole be re-instated, viz. "that the Executive be appointed for seven years, & be ineligible a 2d. time,"

Mr. Davie seconded the motion

Docr. Franklin. It seems to have been imagined by some that the returning to the mass of the people was degrading the magistrate. This he thought was contrary to republican principles. In free Governments the rulers are the servants, and the people their superiors & sovereigns. For the former therefore to return among the latter was not to *degrade* but to *promote* them— and it would be imposing an unreasonable burden on them, to keep them always in a State of servitude, and not allow them to become again one of the Masters.

Question on Col. Masons motion as above; (which passed in the affirmative)

N. H. ay. Masts. not on floor. Ct. no. N. J. ay. Pa. no. Del. no. Md. ay. Va. ay. N. C. ay. S. C. ay. Geo. ay. [Ayes — 7; noes — 3; absent — 1.]

Mr. Govr. Morris was now agst. the whole paragraph. In answer to Col. Mason's position that a periodical return of the great officers of the State into the mass of the people, was the palladium of Civil liberty he wd. observe that on the same principle the Judiciary ought to be periodically degraded; certain it was that the Legislature ought on every principle— yet no one had proposed. or conceived that the members of it should not be re-eligible. In answer to Docr. Franklin, that a return into the mass of the people would be a promotion. instead of a degradation, he had no doubt that our Executive like most others would have too much patriotism to shrink from the burden of his office, and too much modesty not to be willing to decline the promotion.

(On the question on the whole resolution as amended in the words following<sup>2</sup> — "that a National Executive be

<sup>2</sup> Madison originally recorded, "Question on the whole clause including Col. Mason's amendment". Later he substituted from *Journal* the words of the text.

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instituted — to consist of a single person — to be chosen by the Natl. legislature — for the term of seven years — to be ineligible a 2d. time — with power to carry into execution the natl. laws — to appoint to offices in cases not otherwise provided for — to be removeable on impeachment & conviction of mal-practice or neglect of duty — to receive a fixt compensation for the devotion of his time to the public service, to be paid out of the Natl. Treasury” — it passed in the affirmative<sup>3</sup>)

N. H. ay. Mas. not on floor. Ct. ay. N. J. ay. Pa. no. Del. no. Md. no. Va. divd. Mr. B. (Blair) & Col. M. (Mason) ay. Genl. W. (Washington) & Mr M — (Madison) no. Mr. Randolph happened to be out of the House. N- C- ay. S. C. ay. Geo. ay. [Ayes — 6; noes — 3; divided — 1; absent — 1.]

Mr Mason moved “that the Committee of detail be instructed to receive a clause requiring certain qualifications of landed property & citizenship (of the U. States) in members of the Legislature,<sup>4</sup> and disqualifying persons having unsettled Accts. with or being indebted to the U. S. (from being members of the Natl. Legislature)”<sup>5</sup> — He observed that persons of the latter descriptions had frequently got into the State Legislatures, in order to promote laws that might shelter their delinquencies; and that this evil had crept into Congs. if Report was to be regarded.

Mr Pinckney seconded the motion

Mr Govr. Morris. If qualifications are proper, he wd. prefer them in the electors rather than the elected. As to debtors of the U. S. they are but few. As to persons having unsettled accounts he believed them to be pretty many. He thought however that such a discrimination would be both odious & useless. and in many instances unjust & cruel. The delay of settlemt. had been more the fault of the public than of the individuals. What will be done with those patriotic Citizens who have lent money, or services or property to their Country, without having been yet able to obtain a liquidation of their claims? Are they to be excluded?

<sup>3</sup> For further discussion of this subject, see references under September 6, note 23.

<sup>4</sup> Crossed out: “Executive & Judiciary”.

<sup>5</sup> Revised from *Journal*.

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Mr. Ghorum was for leaving to the Legislature, the providing agst such abuses as had been mentioned.

Col. Mason mentioned the parliamentary qualifications adopted in the Reign of Queen Anne, which he said had met with universal approbation

Mr. (Madison) had witnessed<sup>6</sup> the zeal of men having accts. with the public, to get into the Legislatures for sinister purposes. He thought however that if any precaution were to be taken for excluding them, the one proposed by Col. M(ason) ought to be new modelled. It might be well to limit<sup>7</sup> the exclusion to persons who had recd money from the public, and had not accounted for it.

Mr Govr. Morris—It was a precept of great antiquity as well as of high authority that we should not be righteous overmuch. He thought we ought to be equally on our guard agst. being wise over much. The proposed regulation would enable the Govent. to exclude particular persons from office as long as they pleased. He mentioned the case of the Commander in chief's presenting his account for secret services, which he said was so moderate that every one was astonished at it; and so simple that no doubt could arise on it. Yet had the Auditor been disposed to delay the settlement, how easily might he have affected it, and how cruel wd. it be in such a case to keep a distinguished & meritorious Citizen under a temporary disability & disfranchisement. He mentioned this case merely to illustrate the objectionable nature of the proposition. He was opposed to such minutious regulations in a Constitution. The parliamentary qualifications quoted by Col. Mason, had been disregarded in practice; and was but a scheme of the landed agst the monied interest.

Mr Pinckney & Genl. Pinckney moved to insert by way of amendmt. the words Judiciary & Executive so as to extend the qualifications to those departments which was agreed to nem con

Mr. Gerry thought the inconveniency of excluding a few worthy individuals who might be public debtors or have unsettled accts ought not to be put in the Scale agst the public

<sup>6</sup> Crossed out "the evil mentioned by Col. Mason".

<sup>7</sup> Crossed out "to avoid objections by limiting".

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advantages of the regulation, and that the motion did not go far enough.

Mr. King observed that there might be great danger in requiring landed property as a qualification since it would exclude the monied interest, whose aids may be essential in particular emergencies to the public safety.<sup>8</sup>

Mr. Dickenson. was agst. any recital of qualifications in the Constitution. It was impossible to make a compleat one, and a partial one would by implication tie up the hands of the Legislature from supplying the omissions, The best defence lay in the freeholders who were to elect the Legislature. Whilst this Source should remain pure, the public interest would be safe. If it ever should be corrupt, no little expedients would repel the danger. He doubted the policy of interweaving into a Republican constitution a veneration for wealth. He had always understood that a veneration for poverty & virtue, were the objects of republican encouragement. It seemed improper that any man of merit should be subjected to disabilities in a Republic where merit was understood to form the great title to public trust, honors & rewards.

Mr Gerry if property be one object of Government, provisions for securing it can not be improper.

Mr. (Madison) moved to strike out the word *landed*, before the word, "qualifications". If the proposition sd. be agreed to he wished the Committee to be at liberty to report the best criterion they could devise. Landed possessions were no certain evidence of real wealth. Many enjoyed them to a great extent who were more in debt than they were worth. The unjust laws of the States had proceeded more from this class of men, than any others. It had often happened that men who had acquired landed property on credit, got into the Legislatures with a view of promoting an unjust protection agst. their Creditors. In the next place, if a small quantity of land should be made the standard. it would be no security. — if a large one, it would exclude the proper representatives of those classes of Citizens who were not landholders. It

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<sup>8</sup> See Appendix A, CLXXII.



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was politic as well as just that the interests & rights of every class should be duly represented & understood in the public Councils. It was a provision every where established that the Country should be divided into districts & representatives taken from each, in order that the Legislative Assembly might equally understand & sympathise, with the rights of the people in every part of the Community. It was not less proper that every class of Citizens should have an opportunity of making their rights be felt & understood in the public Councils. The three principle classes into which our citizens were divisible, were the landed the commercial, & the manufacturing. The 2d. & 3rd. class, bear as yet a small proportion to the first. The proportion however will daily increase. We see in the populous Countries in Europe now, what we shall be hereafter. These classes understand much less of each others interests & affairs, than men of the same class inhabiting different districts. It is particularly requisite therefore that the interests of one or two of them should not be left entirely to the care, or the impartiality of the third. This must be the case if landed qualifications should be required; few of the mercantile, and scarcely any of the manufacturing class, chusing whilst they continue in business to turn any part of their Stock into landed property. For these reasons he wished if it were possible that some other criterion than the mere possession of land should be devised. He concurred with Mr. Govr. Morris in thinking that qualifications in the Electors would be much more effectual than in the elected. The former would discriminate between real & ostensible property in the latter; But he was aware of (the difficulty of) forming any uniform standard that would suit the different circumstances & opinions prevailing in the different States.

Mr. Govr Morris 2ded. the motion.

On the Question for striking out "landed"

N. H. ay. Mas. ay. Ct. ay N. J. ay. Pa. ay. Del. ay. Md. no Va. ay. N. C. ay. S. C. ay. Geo. ay. [Ayes — 10; noes — 1.]

On Question on 1st. part of Col. Masons proposition as to qualification of property & citizenship" (as so amended) <sup>9</sup>

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<sup>9</sup> Taken from *Journal*.

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

“The 2d. part, for disqualifying debtors, and persons having unsettled accounts”, being under consideration

Mr. Carrol moved to strike out “having unsettled accounts”

Mr. Ghorum seconded the motion; observing that it would put the commercial & manufacturing part of the people on a worse footing than others as they would be most likely to have dealings with the public.

Mr. L- Martin. if these words should be struck out, and the remaining words concerning debtors retained, it will be the interest of the latter class to keep their accounts unsettled as long as possible.

Mr. Wilson was for striking them out. They put too much power in the hands of the Auditors, who might combine with rivals in delaying settlements in order to prolong the disqualifications of particular men. We should consider that we are providing a Constitution for future generations, and not merely for the peculiar circumstances of the moment. The time has been, and will again be when the public safety may depend on the voluntary aids of individuals which will necessarily open accts. with the public, and when such accts. will be a characteristic of patriotism. Besides a partial enumeration of cases will disable the Legislature from disqualifying odious & dangerous characters.

Mr. Langdon was for striking out the whole clause for the reasons given by Mr Wilson. So many Exclusions he thought too would render the system unacceptable to the people.

Mr. Gerry. If the argumts. used to day were to prevail, we might have a Legislature composed of public debtors, pensioners, placemen & contractors. He thought the proposed qualifications would be pleasing to the people. They will be considered as a security agst unnecessary or undue burdens being imposed on them (He moved to add “pensioners” to the disqualified characters which was negatived.

N. H. no Mas. ay. Con. no. N. J. no. Pa. no. Del no Maryd.

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ay. Va. no. N. C. divided. S. C. no. Geo. ay.)<sup>10</sup> [Ayes — 3; noes — 7; divided — 1.]

Mr. Govr. Morris The last clause, relating to public debtors will exclude every importing merchant. Revenue will be drawn it is foreseen as much as possible, from trade. Duties of course will be bonded. and the Merchts. will remain debtors to the public. He repeated that it had not been so much the fault of individuals as of the public that transactions between them had not been more generally liquidated & adjusted. At all events to draw from our short & scanty experience rules that are to operate through succeeding ages, does not savour much of real wisdom.

On question for striking out “persons having unsettled accounts with the U. States.”

N. H. ay. Mas. ay. Ct. ay. N. J. no. Pa. ay. Del. ay. Md. ay. Va. ay. N. C. ay. S. C. ay. Geo. no. [Ayes — 9; noes — 2.]

Mr. Elseworth was for disagreeing to the remainder of the clause disqualifying public debtors; and for leaving to the wisdom of the Legislature and the virtue of the Citizens, the task of providing agst. such evils. Is the smallest as well largest debtor to be excluded? Then every arrear of taxes will disqualify. Besides how is it to be known to the people when they elect who are or are not public debtors. The exclusion of pensioners & placemen in Engd is founded on a consideration not existing here. As persons of that sort are dependent on the Crown, they tend to increase its influence.

Mr. Pinkney sd. he was at first a friend to the proposition, for the sake of the clause relating to qualifications of property; but he disliked the exclusion of public debtors; it went too far. It wd. exclude persons who had purchased confiscated property or should purchase Western territory of the public, and might be some obstacle to the sale of the latter.

On the question for agreeing to the clause disqualifying public debtors

N. H. no. Mas. no. Ct. no. N. J. no. Pa. no. Del. no. Md. no. Va. no. N. C. ay. S. C. no. Geo. ay. [Ayes — 2; noes — 9.]

<sup>10</sup> Undoubtedly taken from *Journal*, although there is no clue there that the motion was made by Gerry.

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Col. Mason. observed that it would be proper, as he thought, that some provision should be made in the Constitution agst. choosing for the seat of the Genl. Govt. the City or place at which the seat of any State Govt. might be fixt. There were 2 objections agst. having them at the same place, which without mentioning others, required some precaution on the subject. The 1st. was that it tended to produce disputes concerning jurisdiction — The 2d. & principal one was that the intermixture of the two Legislatures tended to give a provincial tincture to ye Natl. deliberations. He moved that the Come. be instructed to receive a clause to prevent the seat of the Natl. Govt. being (in the same City or town with) the seat of (the Govt. of) any State (longer) than untill the necessary public buildings could be erected.<sup>11</sup>

Mr. Alex. Martin 2ded. the motion.

Mr. Govr. Morris did not dislike the idea, but was apprehensive that such a clause might make enemies of Philda. & N. York which had expectations of becoming the Seat of the Genl. Govt.

Mr. Langdon approved the idea also: but suggisted the case of a State moving its seat of Govt. to the natl. seat after the erection of the public buildings

Mr. Ghorum. the precaution may be evaded by the Natl. Legislre. by delaying to erect the public buildings

Mr. Gerry conceived it to be the genel. sense of America, that neither the Seat of a State Govt. nor any large commercial City should be the seat of the Genl. Govt.

Mr. Williamson liked the idea, but knowing how much the passions of men were agitated by this matter, was apprehensive of turning them agst. the system. He apprehended also that an evasion might be practiced in the way hinted by Mr. Ghorum.

Mr. Pinkney thought the seat of a State Govt. ought to be avoided; but that a large town or its vicinity would be proper for the seat of the Genl. Govt.

Col. Mason did not mean to press the motion at this time,

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<sup>11</sup> Revised from *Journal*.

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nor to excite any hostile passions agst. the system. He was content to withdraw the motion for the present.

Mr. Butler was for fixing (by the Constitution) the place, & a central one, (for the seat of the Natl Govt)

The (proceedings since monday last were referred unanimously to the)<sup>12</sup> Come. of detail, (and the Convention then unanously)<sup>13</sup> Adjourned till Monday. Augst. 6. that (the) Come. of detail (might) have time to prepare & report the Constitution:<sup>14</sup>

(The whole proceedings as referred are as follow: (here copy them from the Journal p. 207.

With the above resolutions were referred the propositions offered by Mr. C. Pinckney on the 29th of May. & by Mr. Patterson on the 15th. of June.)<sup>15</sup>

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<sup>12</sup> Madison originally noted that "The Resolution constituting the executive as amended, was referred". Later he struck that out and substituted from *Journal* the wording of the text.

<sup>13</sup> Taken from *Journal*.

<sup>14</sup> The appointment of a committee, its members and general purpose, and the adjournment of the Convention until August 6, were reported in the local newspapers. See further Appendix A, LXX-LXXVII.