

WEDNESDAY, AUGUST 8, 1787.

JOURNAL

Wednesday August 8. 1787.

On the question to agree to the first section of the fourth article as reported

it passed unanimously in the affirmative

It was moved and seconded to strike out the word "three" and to insert the word "seven" in the second section of the fourth article

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

It was moved and seconded to amend the second section of the fourth article by inserting the word "of" instead of "in" after the word "citizen" and the words "an inhabitant" instead of the words "a resident"

which passed in the affirmative

[To strike out the word "of" and to substitute "in" after resident in the 2 sect. 4 article Ayes — 4; noes — 7.

To postpone Mr Dickinsons motion in order to take up Mr Ayes — 3; noes — 8.

To insert the word "three" Ayes — 2; noes — 9.

To add One year residence before the election Ayes — 4; noes 6; divided — 1.]¹

On the question to agree to the second section of the fourth article as amended

it passed in the affirmative [Ayes — 11; noes — 0.]

It was moved and seconded to strike out the word "five" and to insert the word "six" before the words "in South Carolina" in the third section of the fourth article

which passed in the negative [Ayes — 4; noes — 7.]

¹ Votes 246-249, Detail of Ayes and Noes.

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On the question to agree to the third section of the fourth article as reported

it passed in the affirmative

It was moved and seconded to alter the latter clause of the fourth section of the fourth article so as to read as follows namely

“according to the rule herein after made for direct taxation not exceeding the rate of One for every forty thousand”

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

It was moved and seconded to add the following clause to the fourth section of the fourth article namely

“Provided that every State shall have at least one representative”

which passed in the affirmative

It was moved and seconded to insert the word “free” before the word “inhabitants” in the fourth section of the fourth article

which passed in the negative. [Ayes—1; noes—10.]

On the question to agree to the fourth section of the fourth article as amended

it passed in the affirmative

It was moved and seconded to strike out the fifth section of the fourth article

which passed in the affirmative [Ayes—7; noes—4.]

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

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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
[245]	aye	aye	no		aye	aye	aye	aye	aye	aye	aye	aye	aye	To strike out "three" and insert seven in ye 2 Sect 4 art.	10	1	
[246]	no	no	no		aye	no	no	aye	aye	no	aye	no	no	To strike out the word "of" and to substitute "in" after resident in the 2 sect. 4 article	4	7	
[247]	no	no	no		no	no	no	aye	no	no	aye	aye	aye	To postpone Mr motion in order to take up Mr Dickinsons	3	8	
[248]	no	no	no		no	no	no	no	no	no	aye	aye	aye	To insert the word "three"	2	9	
[249]	no	no	no		aye	no	no	dd	no	aye	aye	aye	aye	To add One year residence before the election	4	6	1
[250]	aye	aye	aye		aye	aye	aye	aye	aye	aye	aye	aye	aye	To agree to ye 2 clause of ye 2 sect.			
[251]	no	no	no		no	no	aye	no	no	aye	aye	aye	aye	To give six representatives to So Carolina	4	7	
[252]	aye	aye	aye		no	aye	no	aye	aye	aye	aye	aye	aye	To alter the latter clause of the 4 sect. of the 4. Art. "according to the rule herein after provided for Direct taxation"	9	2	
[253]	no	no	no		aye	no	no	no	no	no	no	no	no	To insert the word "free" before inhabitants 4 sect. 4 article	1	10	
[254]	no	no	no		aye	aye	aye	aye	aye	aye	no	aye	aye	To strike out the 5 section 4 article	7	4	

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Wednesday Augt. 8. In Convention

Art: IV. Sect. I. — Mr. Mercer expressed his dislike of the whole plan, and his opinion that it never could succeed.*

Mr. Ghorum. He had never seen any inconveniency from allowing such as were not freeholders to vote, though it had long

* See Appendix A, CCXXIII.

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been tried. The elections in Phila. N. York & Boston where the Merchants, & Mechanics vote are at least as good as those made by freeholders only. The case in England was not accurately stated yesterday (by Mr. Madison) The Cities & large towns are not the seat of Crown influence & corruption. These prevail in the Boroughs, and not on account of the right which those who are not freeholders have to vote, but of the smallness of the number who vote. The people have been long accustomed to this right in various parts of America, and will never allow it to be abridged. We must consult their rooted prejudices if we expect their concurrence in our propositions.

Mr. Mercer did not object so much to an election by the people at large including such as were not freeholders, as to their being left to make their choice without any guidance. He hinted that Candidates ought to be nominated by the State Legislatures.

On question for agreeing to Art: IV- Sect. I it passd. nem. con.

Art. IV. Sect. 2. taken up.³

Col. Mason was for opening a wide door for emigrants; but did not chuse to let foreigners and adventurers make laws for us & govern us. Citizenship for three years was not enough for ensuring that local knowledge which ought to be possessed by the Representative. This was the principal ground of his objection to so short a term. It might also happen that a rich foreign Nation, for example Great Britain, might send over her tools who might bribe their way into the Legislature for insidious purposes. He moved that "seven" years instead of "three," be inserted.⁴

Mr. Govr. Morris zded. the motion, & on the question, All the States agreed to it except Connecticut.

Mr. Sherman moved to strike out the word "resident" and insert "inhabitant," as less liable to misconstruction.

³ Article IV, Sect. 2. "Every member of the House of Representatives shall be of the age of twenty five years at least; shall have been a citizen of the United States for at least three years before his election; and shall be, at the time of his election, a resident of the State in which he shall be chosen."

⁴ See Appendix A, LXVIII.

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Mr M(adison) 2ded. the motion. both were vague, but the latter least so in common acceptation, and would not exclude persons absent occasionally for a considerable time on public or private business. Great disputes had been raised in Virga. concerning the meaning of residence as a qualification of Representatives which were determined more according to the affection or dislike to the man (in question), than (to) any fixt interpretation of the word.

Mr. Wilson preferred "inhabitant."

Mr. Govr. Morris was opposed to both and for requiring nothing more than a freehold. He quoted great disputes in N. York occasioned by these terms, which were decided by the arbitrary will of the majority. Such a regulation is not necessary. People rarely chuse a nonresident — It is improper as in the 1st. branch, *the people at large*,⁵ not the *States*⁵ are represented.

Mr. Rutledge urged & moved that a residence of 7 years shd. be required in the State Wherein the Member shd. be elected. An emigrant from N. England to S. C. or Georgia would know little of its affairs and could not be supposed to acquire a thorough knowledge in less time.

Mr. Read reminded him that we were now forming a *Natil* Govt and such a regulation would correspond little with the idea that we were one people.

Mr. Wilson — enforced the same consideration.

Mr. (Madison) suggested the case of new States in the West, which could have perhaps no representation on that plan.

Mr. Mercer. Such a regulation would present a greater alienship among the States than existed under the old federal system. It would interweave local prejudices & State distinctions in the very Constitution which is meant to cure them. He mentioned instances of violent disputes raised in Maryland concerning the term "residence"

Mr Elseworth thought seven years of residence was by far too long a term: but that some fixt term of previous resi-

⁵ Underscored by Madison when he revised his notes.

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dence would be proper. He thought one year would be sufficient, but seemed to have no objection to three years.

Mr. Dickenson proposed (that it should read) "inhabitant actually resident for —— year." This would render the meaning less indeterminate.

Mr. Wilson. If a short term should be inserted in the blank, so strict an expression might be construed to exclude the members of the Legislature, who could not be said to be actual residents in their States whilst at the Seat of the Genl. Government.

Mr. Mercer. It would certainly exclude men, who had once been inhabitants, and returning from residence elsewhere to resettle in their original State; although a want of the necessary knowledge could not in such case be presumed.

Mr. Mason thought 7 years too long, but would never agree to part with the principle. It is a valuable principle. He thought it a defect in the plan that the Representatives would be too few to bring with them all the local knowledge necessary. If residence be not required, Rich men of neighbouring States, may employ with success the means of corruption in some particular district and thereby get into the public Councils after having failed in their own State. This is the practice in the boroughs of England.

On the question for postponing in order to consider Mr Dickinsons motion

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

On the question for inserting "inhabitant" in place of "resident" — Agd. to nem. con.

Mr. Elseworth & Col. Mason move to insert "one year" for previous inhabitancy

Mr. Williamson liked the Report as it stood. He thought "resident" a good eno' term. He was agst requiring any period of previous residence. New residents if elected will be most zealous to Conform to the will of their constituents, as their conduct will be watched with a more jealous eye.

Mr. Butler & Mr. Rutledge moved "three years" instead of "one year" (for previous inhabitancy)

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On the question for 3 years.

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

On the question for “1 year”

N. H. no — Mas — no. Ct. no. N. J. ay. Pa. no. Del. no. Md. divd. Va. no. N. C. ay. S. C. ay. Geo — ay [Ayes — 4; noes — 6; divided — 1.]

Art. IV— Sect. 2. As amended in manner preceding, was agreed to nem. con.

Art: IV. Sect. 3. “taken up.”⁶

Genl. Pinkney & Mr. Pinkney moved that the number of representatives allotted to S. Carola. be “six”

On the question.

N. H. no. Mas. no. Ct. no. N. J. no. Pa. no. (Delaware ay)⁷ Md. no. Va. no. N. C. ay. S. C. ay. Geo. ay. [Ayes — 4; noes — 7.]

(The 3. Sect of Art: IV was then agreed to.)⁷

Art: IV. Sect. 4. taken up.⁸

Mr. Williamson moved to strike out “according to the provisions hereinafter made” and to insert (the) words (ac-
cording) “to the rule hereafter to be provided for direct taxation” — See Art VII. sect. 3.

On the question for agreeing to Mr. Williamson’s amendment

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

⁶ Article IV, Sect. 3. “The House of Representatives shall, at its first formation, and until the number of citizens and inhabitants shall be taken in the manner herein after described, consist of sixty-five Members, of whom three shall be chosen in New Hampshire, eight in Massachusetts, one in Rhode-Island and Providence Plantations, five in Connecticut, six in New-York, four in New-Jersey, eight in Pennsylvania, one in Delaware, six in Maryland, ten in Virginia, five in North-Carolina, five in South-Carolina, and three in Georgia.”
⁷ Taken from *Journal*.

⁸ Article IV, Sect. 4. “As the proportions of numbers in different States will alter from time to time; as some of the States may hereafter be divided; as others may be enlarged by addition of territory; as two or more States may be united; as new States will be erected within the limits of the United States, the Legislature shall, in each of these cases, regulate the number of representatives by the number of inhabitants, according to the provisions herein after made, at the rate of one for every forty thousand.”

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Mr. King wished to know what influence the vote just passed was meant have on the succeeding part of the Report, concerning the admission of slaves into the rule of Representation. He could not reconcile his mind to the article if it was to prevent objections to the latter part. The admission of slaves was a most grating circumstance to his mind, & he believed would be so to a great part of the people of America. He had not made a strenuous opposition to it heretofore because he had hoped that this concession would have produced a readiness which had not been manifested, to strengthen the Genl. Govt. and to mark a full confidence in it. The Report under consideration had by the tenor of it, put an end to all these hopes. In two great points the hands of the Legislature were absolutely tied. The importation of slaves could not be prohibited — exports could not be taxed. Is this reasonable? What are the great objects of the Genl. System? 1. defence agst. foreign invasion. 2. agst. internal sedition. Shall all the States then be bound to defend each; & shall each be at liberty to introduce a weakness which will render defence more difficult? Shall one part of the U. S. be bound to defend another part, and that other part be at liberty not only to increase its own danger, but to withhold the compensation for the burden? If slaves are to be imported shall not the exports produced by their labor, supply a revenue the better to enable the Genl. Govt. to defend their Masters? — There was so much inequality & unreasonableness in all this, that the people of the N(orthern) States could never be reconciled (to it). No candid man could undertake to justify it to them. He had hoped that some accommodation wd. have taken place on this subject; that at least a time wd. have been limited for the importation of slaves. He never could agree to let them be imported without limitation & then be represented in the Natl. Legislature. Indeed he could so little persuade himself of the rectitude of such a practice, that he was not sure he could assent to it under any circumstances. At all events, either slaves should not be represented, or exports should be taxable.

Mr. Sherman regarded the slave-trade as iniquitous; but

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the point of representation having been settled after much difficulty & deliberation, he did not think himself bound to make opposition; especially as the present article as amended did not preclude any arrangement whatever on that point in another place of the Report.⁹

Mr. (Madison) objected to 1 for every 40,000 inhabitants (as a perpetual rule).¹⁰ The future increase of population if the Union shd. be permanent, will render the number of Representatives excessive.¹¹

Mr. Ghorum. It is not to be supposed that the Govt will last so long as to produce this effect. Can it be supposed that this vast Country including the Western territory will 150 years hence remain one nation?

Mr. Elseworth. If the Govt. should continue so long, alterations may be made in the Constitution in the manner proposed in a subsequent article.

Mr Sherman & Mr. (Madison) moved to insert the words "not exceeding" before the words "1 for every 40,000, which was agreed to nem. con.

Mr Govr. Morris moved to insert "free" before the word "inhabitants." Much he said would depend on this point. He never would concur in upholding domestic slavery. It was a nefarious institution — It was the curse of heaven on the States where it prevailed. Compare the free regions of the Middle States, where a rich & noble cultivation marks the prosperity & happiness of the people, with the misery & poverty which overspread the barren wastes of Va. Maryd. & the other States having slaves. (Travel thro' ye whole Continent & you behold the prospect continually varying with the appearance & disappearance of slavery. The moment you leave ye E. Sts. & enter N. York, the effects of the institution become visible; Passing thro' the Jerseys and entering Pa. every criterion of superior improvement witnesses the change. Proceed Southwdly, & every step you take thro' ye great

⁹ See further upon this subject references under August 22 note 2, and August 25 note 7.

¹⁰ Probably but not certainly a later revision.

¹¹ See Appendix A, CXLIV.

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regions of slaves, presents a desert increasing with ye increasing proportion of these wretched beings.)¹²

Upon what principle is it that the slaves shall be computed in the representation? Are they men? Then make them Citizens & let them vote? Are they property? Why then is no other property included? The Houses in this City (Philada.) are worth more than all the wretched slaves which cover the rice swamps of South Carolina. The admission of slaves into the Representation when fairly explained comes to this: that the inhabitant of Georgia and S. C. who goes to the Coast of Africa, and in defiance of the most sacred laws of humanity tears away his fellow creatures from their dearest connections & dam(n)s them to the most cruel bondages, shall have more votes in a Govt. instituted for protection of the rights of mankind, than the Citizen of Pa or N. Jersey who views with a laudable horror, so nefarious a practice. He would add that Domestic slavery is the most prominent feature in the aristocratic countenance of the proposed Constitution. The vassalage of the poor has ever been the favorite offspring of Aristocracy. And What is the proposed compensation to the Northern States for a sacrifice of every principle of right, of every impulse of humanity. They are to bind themselves to march their militia for the defence of the S. States; for their defence agst those very slaves of whom they complain. They must supply vessels & seamen, in case of foreign Attack. The Legislature will have indefinite power to tax them by excises, and duties on imports: both of which will fall heavier on them than on the Southern inhabitants; for the bohea tea used by a Northern freeman, will pay more tax than the whole consumption of the miserable slave, which consists of nothing more than his physical subsistence and the rag that covers his nakedness. On the other side the Southern States are not to be restrained from importing fresh supplies of wretched Africans, at once to increase the danger of attack, and the difficulty of defence; nay they are to be encouraged to it by an assurance of having their votes in the Natl Govt increased

¹² It is difficult to account for this passage. The MS. seems to show fairly certainly that it was a later insertion.

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in proportion. and are at the same time to have their exports & their slaves exempt from all contributions for the public service. Let it not be said that direct taxation is to be proportioned to representation. It is idle to suppose that the Genl Govt. can stretch its hand directly into the pockets of the people scattered over so vast a Country. They can only do it through the medium of exports imports & excises. For what then are all these sacrifices to be made? He would sooner submit himself to a tax for paying for all the Negroes in the U. States. than saddle posterity with such a Constitution.

Mr. Dayton zded. the motion. He did it he said that his sentiments on the subject might appear whatever might be the fate of the amendment.

Mr. Sherman. did not regard the admission of the Negroes into the ratio of representation, as liable to such insuperable objections. It was the freemen of the Southn. States who were in fact to be represented according to the taxes paid by them, and the Negroes are only included in the Estimate of the taxes. This was his idea of the matter.

Mr Pinkney, considered the fisheries & the Western frontier as more burdensome to the U. S. than the slaves — He thought this could be demonstrated if the occasion were a proper one.

Mr Wilson. thought the motion premature — An agreement to the clause would be no bar to the object of it.

Question On Motion to insert “free” before “inhabitants.”

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

On the suggestion of Mr. Dickenson (the words), “provided that each State shall have one representative at least.” — were added nem. con.

Art. IV. sect. 4. as amended was Agreed to nem. con.

Art. IV. sect. 5. taken up ¹³

¹³ Article IV, Sect. 5. “All bills for raising or appropriating money, and for fixing the salaries of the officers of the Government, shall originate in the House of Representatives, and shall not be altered or amended by the Senate. No money shall be drawn from the public Treasury, but in pursuance of appropriations that shall originate in the House of Representatives.”

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Mr. Pinkney moved to strike out Sect. 5, As giving no peculiar advantage to the House of Representatives, and as clogging the Govt. If the Senate can be trusted with the many great powers proposed, it surely may be trusted with that of originating money bills.

Mr. Ghorum. was agst. allowing the Senate to *originate*; but (only) to *amend*.

Mr. Govr. Morris. It is particularly proper that the Senate shd. have the right of originating money bills. They will sit constantly. will consist of a smaller number. and will be able to prepare such bills with due correctness; and so as to prevent delay of business in the other House.

Col. Mason was unwilling to travel over this ground again. To strike out the section, was to unhinge the compromise of which it made a part. The duration of the Senate made it improper. He does not object to that duration. On the Contrary he approved of it. But joined with the smallness of the number, it was an argument (against) adding this to the other great powers vested in that body. His idea of an Aristocracy was that it was the governt. of the few over the many. An aristocratic body, like the screw in mechanics, workig. its way by slow degrees, and holding fast whatever it gains, should ever be suspected of an encroaching tendency — The purse strings should never be put into its hands.

Mr Mercer, considered the exclusive power of originating Money bills as so great an advantage, that it rendered the equality of votes in the Senate ideal & of no consequence.

Mr. Butler was for adhering to the principle which had been settled.

Mr. Wilson was opposed to it on its merits, with out regard to the compromise

Mr. Elsworth did not think the clause of any consequence, but as it was thought of consequence by some members from the larger States, he was willing it should stand.

Mr. (Madison) was for striking it out: considering it as of no advantage to the large States as fettering the Govt. and as a source of injurious altercations between the two Houses.

On the question for striking out "Sect. 5. art. IV"

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N. H. no. Mas. no. Ct. no. N. J. ay. Pa. ay. Del. ay.
Md. ay. Va. ay. N. C. no. S. C. ay. Geo. ay. [Ayes — 7;
noes — 4.]

Adjd.

KING

Wednesday 8 August —

4. A. 1 — c. The Qualifications of Electors — Gorham, The Qualifications stand well — Gentlemen who say that the Elections in the Cities are unsafe are in an Error — The Members of London, Bristol & Liverpool are as independent as any of the Members of the Shires — The King has no Influence in ye. City Elections — He buys the boroughs and he buys them of the Freeholders — there will be no Danger in allowing the Merchants & Mechanicks to be Electors — they have been Electors Time immemorial in this country as well as in England — We must regard the Habits & prejudices of the people — if you propose a window Tax in N. Eng. you wd. offend the people — If the minister in England shd. propose a poll-Tax he wd. also offend the People — so if you deprive the Mercht. & Mechank. of the Rights of Election you will offend them —

— 2d. Resident — proposed to change the word to Inhabitant — Morris G. proposed Freeholder — Rutledge — Resident for seven years in the State where he is elected — Mason — I am in favor of Residency — if you do not require it — a rich man may send down to the Districts of a state in wh. he does not reside and purchase an Election for his Dependt. We shall have the Eng. Borough corruption — a question was put & negatived by 8 of 11 states to insert Inhabitant for 3 yrs ¹⁴ — afterwards the question for One yr. before Election was negatived by 6 of 11 — finally the wd. was established as it stands unanimously — ¹⁵

¹⁴ According to the Journal and Madison the vote on this question was Ayes, 2; noes, 9; and the vote which King gives belongs to the preceding question "to postpone."

¹⁵ [Endorsed:] | August 8th | Qualifications of | electors.

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The 2 sect. of the IV. article was amended to read 7 insted of three years. It was proposed to add to the section "at least one year preceding his election". negatived. Maryland divided. Mrs. Mercer and Carrol neg. Mr. Jenifer and myself aff.

The fifth section giving the sole power of raising and appropriating money to the house of representatives expunged.