

THURSDAY, AUGUST 9, 1787.

JOURNAL

Thursday August 9. 1787.

On the question to agree to the 6 section of the 4. article as reported.

it passed in the affirmative

On the question to agree to the 7. section of the 4 article as reported

it passed in the affirmative

It was moved and seconded to insert the following words in the third clause of the 5 article after the word "executive"

"of the State, in the representation of which the vacancies shall happen"

which passed in the affirmative

It was moved and seconded to strike out the 3rd clause of the 1st section of the 5. article

which passed in the affirmative [Ayes—1; noes—8; divided — 1.]¹

It was moved and seconded to add the following words to the 3rd clause of the 1st section of the 5 article, namely

"unless other provision shall be made by the Legislature"

which passed in the negative [Ayes — 4; noes — 6.]

It was moved and seconded to alter the 3rd. clause in the 1st section of the 5. article so as to read as follows, namely

"vacancies happening by refusals to accept resignations or

"otherwise may be supplied by the Legislature of the State

"in the representation of which such vacancies shall happen

"or by the executive thereof until the next meeting of the

"Legislature"

Which passed in the affirmative

¹ Vote 255, Detail of Ayes and Noes. Madison confirms this negative vote.

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On the motion to agree to the three first clauses of the 1st section of the 5th article

it passed in the affirmative [Ayes — 8; noes — 2;
divided — 1.]

It was moved and seconded to postpone the consideration of the last clause in the first section of the 5. article

which was passed in the negative [Ayes — 2; noes — 8; divided — 1.]

On the question to agree to the last clause in the 1st section of the 5. article

it passed in the affirmative

It was moved and seconded to insert the following words after the word “after” in the 2nd section of the 5 article namely

“they shall be assembled in consequence of”

which passed in the affirmative

On the question to agree to the 2nd section of the 5. article as amended.

it passed in the affirmative

It was moved and seconded to strike out the word “four” and to insert the word “fourteen” in the 3 section of the 5 article

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

It was moved and seconded to strike out the word “four” and to insert the word “fourteen”² in the 3 section of the 5 article

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

It was moved and seconded to strike out the word “four” and to insert the word “Ten” in the 3 section of the 5 article

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

It was moved and seconded to strike out the word “four” and to insert the word “nine” in the 3rd section of the 5 article

which passed in the affirmative [Ayes—6; noes—4;
divided — 1.]

It was moved and seconded to amend the 3rd section of the 5

²“fourteen” is evidently a mistake for “thirteen”, so in Vote 260, Detail of Ayes and Noes, and in Madison.

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article by inserting the word "of" after the word "citizen" and the words "an inhabitant" instead of the words "a resident"

which passed in the affirmative

On the question to agree to the 3rd section of the 5 article as amended

it passed in the affirmative

On the question to agree to the 4th section of the 5. article as reported

it passed in the affirmative

It was moved and seconded to strike out the words "each House" and to insert the words "the House of representatives" in the 1st section of the 6th article

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

It was moved and seconded to insert the word "respectively" after the word "State" in the 1st section of the 6. article

which passed in the affirmative

It was moved and seconded to alter the second clause in the first section of the 6th article so as to read as follows namely

"but regulations in each of the foregoing cases may, at any time, be made or altered by the Legislature of the United States"

which passed in the affirmative

On the question to agree to the 1st section of the 6th article as amended

it passed in the affirmative.

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
[255]	no	no	no	no	aye		dd	no	no	no	no	no	no	To strike out the 3rd clause of the 1st sect. of the 5 article	1	8	I
[256]	no	no	no	no	no	aye		aye	no	aye	aye	aye	aye	To add the words to ye 1st sect 5 art. unless other provision shall be made by the Legislature	4	6	
[257]	aye	no	aye	aye	aye	aye	aye	aye	aye	no	dd	aye	aye	To agree to the three first clauses of the 1st sect. of the 5 article	8	2	I
[258]	dd	no	no	no	no	no	no	no	aye	aye	no	no	no	To postpone the last clause in the 1st section of the 5 article	2	8	I
[259]	aye	no	no	aye	no	no	no	no	no	no	aye	aye	aye	fourteen years citizenship to qualify to a seat in the Senate.	4	7	
[260]	aye	no	no	aye	no	no	no	no	no	no	aye	aye	aye	Thirteen years	4	7	
[261]	aye	no	no	aye	no	no	no	no	no	no	aye	aye	aye	Ten years	4	7	
[262]	aye	no	no	aye	no	aye	no	aye	no	aye	dd	aye	aye	Nine years.	6	4	I
[263]	no	no	no	aye	no	no	no	no	no	no	no	no	no	To strike out the words "each House" & to insert the words the Ho of represntves in the 1st sect of the 6 article	1	10	

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Thursday, Aug. 9. in Convention

Art: IV. sect. 6. Mr. Randolph expressed his dissatisfaction at the disagreement yesterday to sect 5. concerning money bills, as endangering the success of the plan, and extremely objectionable in itself; and gave notice that he should move for a reconsideration of the vote.

Mr. Williamson said he had formed a like intention.

Mr. Wilson, gave notice that he shd. move to reconsider the vote, requiring seven instead of three years of Citizenship

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as a qualification of candidates for the House of Representatives.

Art. IV. sect. 6 & 7.³ Agreed to nem. con.

Art. V. sect. 1. taken up.⁴

Mr. Wilson objected to vacancies in the Senate being supplied by the Executives of the States. It was unnecessary as the Legislatures will meet so frequently. It removes the appointment too far from the people; the Executives in most of the States being elected by the Legislatures. As he had always thought the appointment of the Executives by the Legislative department wrong: so it was still more so that the Executive should elect into the Legislative department.

Mr. Randolph thought it necessary (in order) to prevent inconvenient chasms in the Senate. In some States the Legislatures meet but once a year. As the Senate will have more power & consist of a smaller number than the other House, vacancies there will be of more consequence. The Executives might be safely trusted (he thought with the appointment for so short a time.)

Mr. Elseworth. It is only said that the Executive *may* supply vacancies. When the Legislative meeting happens to be near, the power will not be exerted. As there will be but two members from a State vacancies may be of great moment.

Mr. Williamson. Senators may resign or not accept. This provision is therefore absolutely necessary.

On the question for striking out "vacancies shall be supplied by Executives

N. H. no. Mas. no. Ct. no. N. J. no. Pa. ay. Md. divid. Va. no. N. C. no. S. C. no. Geo. no. [Ayes — 1; noes — 8; divided — 1.]

³ Article IV, Sect. 6. "The House of Representatives shall have the sole power of impeachment. It shall choose its Speaker and other officers."

Sect. 7. "Vacancies in the House of Representatives shall be supplied by writs of election from the executive authority of the State, in the representation from which it shall happen."

⁴ Article V, Sect. 1. "The Senate of the United States shall be chosen by the Legislatures of the several States. Each Legislature shall chuse two members. Vacancies may be supplied by the Executive until the next meeting of the Legislature. Each member shall have one vote."

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Mr. Williamson moved to insert after "vacancies shall be supplied by the Executives", the following words "unless other provision shall be made by the Legislature" (of the State).

Mr Elseworth. He was willing to trust the Legislature, or the Executive of a State, but (not) to give the former a discretion to refer appointments for the Senate to whom they pleased.

Question on Mr Williamson's motion

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

Mr. (Madison) in order to prevent doubts whether resignations could be made by Senators, or whether they could refuse to accept, moved to (strike out the words) after "vacancies". (& insert) the words "happening by refusals to accept, resignations (or otherwise may be supplied by the Legislature of the State in the representation of which such vacancies shall happen, or by the Executive thereof until the next meeting of the Legislature)"⁵

Mr. Govr. Morris this is absolutely necessary. otherwise, as members chosen into the Senate are disqualified from being appointed to any office by sect. 9. of this art: it will be in the power of a Legislature by appointing a man a Senator agst. his consent, to deprive the U. S. of his services.

The motion of Mr. (Madison) was agreed to nem. con.

Mr. Randolph called for a division of the Section, so as to leave a distinct question on the last words, "each (member)⁶ shall have one vote". He wished this last sentence to be postponed until the reconsideration should have taken place on sect. 5. Art. IV. concerning money bills. If that section should not be reinstated his plan would be to vary the representation in the Senate.

Mr. Strong concurred in Mr. Randolphs ideas on this point

Mr. Read did not consider the section as to money bills of any advantage to the larger States and had voted for strik-

⁵ Revised from *Journal*.

⁶ Crossed out "State".

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ing it out as *(being)* viewed in the same light by the larger States. If it was considered by them as of any value, and as a condition of the equality of votes in the Senate, he had no objection to its being re-instated.

Mr. Wilson — Mr. Elseworth & Mr. — *(Madison)* urged that it was of *(no)* advantage to the larger States. and that it might be a dangerous source of contention between the two Houses. All the principal powers of the Natl. Legislature had some relation to money.

Docr. Franklin, considered the two clauses, the originating of money bills, and the equality of votes in the Senate, as essentially connected by the compromise which had been agreed to.

Col. Mason said this was not the time for discussing this point. When the originating of money bills shall be reconsidered, he thought it could be demonstrated that it was of essential importance to restrain the right to the House of Representatives the immediate choice of the people.

Mr. Williamson. The State of N. C. had agreed to an equality in the Senate, merely in consideration that money bills should be confined to the other House: and he was surprised to see the smaller States forsaking the condition on which they had received their equality.

Question on the Section 1. down to the last sentence

N. H ay. Mas. no. Ct. ay. N. J. ay. Pa. no-* Del. ay. Md. ay. *(Virga ay)* N. C. no. S. C. divd. Geo. ay. [Ayes — 7; noes — 3; divided — 1.]

Mr. Randolph moved that the last sentence "each *(member)*⁷ shall have one vote." be postponed

It was observed that this could not be necessary; as in case the section as to originating bills should not be reinstated, and a revision of the Constitution should ensue, it wd. still be proper that the members should *(vote)* per capita. A postponement of the preceding sentence allowing to each State 2 members wd. have been more proper.

* *(In the printed Journal Pennsylvania, ay.)*

⁷ Crossed out "State".

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Mr. Mason, did not mean to propose a change of this mode of voting per capita in any event. But as there might be other modes proposed, he saw no impropriety in postponing the sentence. Each State may have two members, (and) yet may have (unequal)⁸ votes. He said that unless the exclusive originating of money bills should be restored to the House of Representatives, he should, not from obstinacy, but duty and conscience, oppose throughout the equality of Representation in the Senate.

Mr. Govr. Morris. Such declarations were he supposed, addressed to the smaller States in order to alarm them for their equality in the Senate, and induce them agst. their judgments, to concur in restoring the section concerning money bills. He would declare in his turn that as he saw no prospect of amending the Constitution of the Senate & considered the Section (relating to money bills) as intrinsically bad, he would adhere to the section establishing the equality at all events.

Mr. Wilson. It seems to have been supposed by some that the section concerning money bills is desirable to the large States. The fact was that two of those States (Pa. & Va) had uniformly voted agst. it without reference to any other part of the system.

Mr. Randolph, urged as Col. Mason had done that the sentence under consideration was connected with that relating to money (bills), and might possibly be affected by the result of the motion for reconsidering the latter. That the postponement was therefore (not) improper.

Question for postponing "each member shall have one vote."

N. H. divd. Mas. no. Ct. no. N. J. no. Pa. no. Del. no. Md. no. Va. ay. N. C. ay. S. C. no. Geo. no. [Ayes — 2; noes — 8; divided — 1.]

(The words were then agreed to as part of the section.)⁹

Mr. Randolph then gave notice that he should move to reconsider this whole Sect: 1. Art. V. as connected with the 5. Sect. art. IV. as to which he had already given such notice.

⁸ Crossed out "different".

⁹ Taken from *Journal*.

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Art. V. sect. 2d. taken up.¹⁰

Mr. Govr. Morris moved to insert after the words "immediately after", the following "they shall be assembled in consequence of" which was agreed to nem. con. as was then the whole sect 2.

Art: V. sect. 3. taken up.¹¹

Mr. Govr. Morris moved to insert 14 instead of 4 years citizenship as a qualification for Senators; urging the danger of admitting strangers into our public Councils. Mr. Pinkney 2ds. him

Mr. Elseworth. was opposed to the motion as discouraging meritorious aliens from emigrating to this Country.

Mr. Pinkney. As the Senate is to have the power of making treaties & managing our foreign affairs, there is peculiar danger and impropriety in opening its door to those who have foreign attachments. He quoted the jealousy of the Athenians on this subject who made it death for any stranger to intrude his voice into their legislative proceedings.

Col. Mason highly approved of the policy of the motion. Were it not that many not natives of this Country had acquired great merit during the revolution, he should be for restraining the eligibility into the Senate, to natives.

Mr. (Madison) was not averse to some restrictions on this subject; but could never agree to the proposed amendment. He thought any restriction (however) in the *Constitution*¹² unnecessary, and improper. unnecessary; because the Natl. Legislre. is to have the right of regulating naturalization, and can by virtue thereof fix different periods of residence as conditions of enjoying different privileges of Citizenship: Im-

¹⁰ Article V, Sect. 2. "The Senators shall be chosen for six years; but immediately after the first election they shall be divided, by lot, into three classes, as nearly as may be, numbered one, two and three. The seats of the members of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, of the third class at the expiration of the sixth year, so that a third part of the members may be chosen every second year."

¹¹ Article V, Sect. 3. "Exery member of the Senate shall be of the age of thirty years at least; shall have been a citizen of the United States for at least four years before his election; and shall be, at the time of his election, a resident of the State for which he shall be chosen."

¹² Underscoring was a later revision.

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proper: because it will give a tincture of illiberality to the Constitution: because it will put it out of the power of the Natl Legislature even by special acts of naturalization to confer the full rank of Citizens on meritorious strangers & because it will discourage the most desirable class of people from emigrating to the U. S. Should the proposed Constitution have the intended effect of giving stability & reputation to our Govts. great numbers of respectable Europeans; men who love liberty and wish to partake its blessings, will be ready to transfer their fortunes hither. All such would feel the mortification of being marked with suspicious incapacitations though they sd. not covet the public honors. He was not apprehensive that any dangerous number of strangers would be appointed by the State Legislatures, if they were left at liberty to do so: nor that foreign powers would make use of strangers as instruments for their purposes. Their bribes would be expended on men whose circumstances would rather stifle than excite jealousy & watchfulness in the public.

Mr. Butler was decidedly opposed to the admission of foreigners without a long residence in the Country. They bring with them, not only attachments to other Countries; but ideas of Govt. so distinct from ours that in every point of view they are dangerous. He acknowledged that if he himself had been called into public life within a short time after his coming to America, his foreign habits opinions & attachments would have rendered him an improper agent in public affairs. He mentioned the great strictness observed in Great Britain on this subject.

Docr. Franklin was not agst. a reasonable time, but should be very sorry to see any thing like illiberality inserted in the Constitution. The people in Europe are friendly to this Country. Even in the Country with which we have been lately at war, We have now & had during the war, a great many friends not only among the people at large but in both Houses of Parliament. In every other Country in Europe all the people are our friends. We found in the Course of the Revolution, that many strangers served us faithfully — and that many natives took part agst. their Country. When

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foreigners after looking about for some other Country in which they can obtain more happiness, give a preference to ours, it is a proof of attachment which ought to excite our confidence & affection.

Mr. Randolph did not know but it might be problematical whether emigrations to this Country were on the whole useful or not: but he could never agree to the motion for disabling them for 14 years to participate in the public honours. He reminded the Convention of the language held by our patriots during the Revolution, and the principles laid down in all our American Constitutions. Many foreigners may have fixed their fortunes among us under the faith of these invitations. All persons under this description with all others who would be affected by such a regulation, would enlist themselves under the banners of hostility to the proposed System. He would go as far as seven years, but no further.

Mr. Wilson said he rose with feelings which were perhaps peculiar; mentioning the circumstance of his not being a native, and the possibility, if the ideas of some gentlemen should be pursued, of his being incapacitated from holding a place under the very Constitution which he had shared in the trust of making. He remarked the illiberal complexion which the motion would give to the System, & the effect which a good system would have in inviting meritorious foreigners among us, and the discouragement & mortification they must feel from the degrading discrimination, now proposed. He had himself experienced this mortification. On his removal into Maryland, he found himself, from defect of residence, under certain legal incapacities, which never ceased to produce chagrin, though he assuredly did not desire & would not have accepted the offices to which they related. To be appointed to a place may be matter of indifference. To be incapable of being appointed, is a circumstance grating, and mortifying.

Mr. Govr. Morris. The lesson we are taught is that we should be governed as much by our reason, and as little by our feelings as possible. What is the language of Reason on this subject? That we should not be polite at the expense

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of prudence. There was a moderation in all things. It is said that some tribes of Indians, carried their hospitality so far as to offer to strangers their wives and daughters. Was this a proper model for us? He would admit them to his house, he would invite them to his table, would provide for them comfortable lodgings; but would not carry the complaisance so far as, to bed them with his wife. He would let them worship at the same altar, but did not choose to make Priests of them. He ran over the privileges which emigrants would enjoy among us, though they should be deprived of that of being eligible to the great offices of Government; observing that they exceeded the privileges allowed to foreigners in any part of the world; and that as every Society from a great nation down to a club had the right of declaring the conditions on which new members should be admitted, there could be no room for complaint. As to those philosophical gentlemen, those Citizens of the World, as they called themselves, He owned he did not wish to see any of them in our public Councils. He would not trust them. The men who can shake off their attachments to their own Country can never love any other. These attachments are the wholesome prejudices which uphold all Governments, Admit a Frenchman into your Senate, and he will study to increase the commerce of France: An Englishman, he will feel an equal bias in favor of that of England. It has been said that The Legislatures will not chuse foreigners, at least improper ones. There was no knowing what Legislatures would do. Some appointments made by them, proved that every thing ought to be apprehended from the cabals practised on such occasions. He mentioned the case of a foreigner who left this State in disgrace, and worked himself into an appointment from (another)¹³ to Congress.

Question on the motion of Mr. Govr. Morris to insert 14 in place of 4 years

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

¹³ Crossed out "Georgia".

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On 13 years, moved Mr. Govr. Morris

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

On 10 years moved by Genl Pinkney

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

Dr. Franklin reminded the Convention that it did not follow from an omission to insert the restriction in the Constitution that the persons in question wd. be actually chosen into the Legislature.

Mr. Rutledge. 7 years of Citizenship have been required for the House of Representatives. Surely a longer time is requisite for the Senate, which will have more power.

Mr. Williamson. It is more necessary to guard the Senate in this case than the other House. Bribery & Cabal can be more easily practised in the choice of the Senate which is to be made by the Legislatures composed of a few men, than of the House of Represents. who will be chosen by the people.

Mr. Randolph will agree to 9 years with the expectation that it will be reduced to seven if Mr. Wilson's motion to reconsider the vote fixing 7 years for the House of Representatives should produce a reduction of that period. . .

On a question for 9 years

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

The term "Resident" was struck out, & "inhabitant" inserted nem. con.

Art. V Sect. 3. as amended agreed to nem. con.

Sect. 4. agreed to nem. con.¹⁴

Art. VI. sect. 1. taken up.¹⁵

Mr. (Madison) — & Mr. Govr. Morris moved to strike

¹⁴ Article V, Sect. 4. "The Senate shall chuse its own President and other officers."

¹⁵ Article VI, Sect. 1. "The times and places and manner of holding the elections of the members of each House shall be prescribed by the Legislature of each State; but their provisions concerning them may, at any time, be altered by the Legislature of the United States."

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out "each House" & (to insert "the House of Representatives");¹⁶ the right of the Legislatures to regulate the times & places &c. in (the election of Senators) being involved in the right of appointing (them), which was (disagreed to.)¹⁷

Division of the question being called, it was taken on the first part down to "but their provisions concerning &c"

The first part was agreed to *nem. con.*

Mr. Pinkney & Mr. Rutledge moved to strike out the remaining part *viz* but their provisions concerning them may at any time be altered by the Legislature of the United States."¹⁸ The States they contended could & must be relied on in such cases.

Mr Ghorum. It would be as improper take this power from the Natl. Legislature, as to Restrain the British Parliament from regulating the circumstances of elections, leaving this business to the Counties themselves —

Mr (Madison). The necessity of a Genl. Govt. supposes that the State Legislatures will sometimes fail or refuse to consult the common interest at the expense of their local conveniency or prejudices. The policy of referring the appointment of the House of Representatives to the people and not to the Legislatures of the States, supposes that the result will be somewhat influenced by the mode, This view of the question seems to decide that the Legislatures of the States ought not to have the uncontroled right of regulating the times places & manner of holding elections. These were words of great latitude. It was impossible to foresee all the abuses that might be made of the discretionary power. Whether the electors should vote by ballot or *vivâ voce*, should assemble at this place or that place; should be divided into districts or all meet at one place, shd all vote for all the representatives; or all in a district vote for a number allotted to the district;

¹⁶ Revised from *Journal*. Crossed out "to alter so as to restrain not to extend to the Senate;".

¹⁷ Madison originally recorded "agd. to", but changed this in accordance with *Journal*.

¹⁸ Upon this question and debate, see Appendix A, CXLVIa, CLVIII(35), CLXXXII, CCX, CCXXVI, and CCXLVIII.

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these & many other points would depend on the Legislatures. and might materially affect the appointments. Whenever the State Legislatures had a favorite measure to carry, they would take care so to mould their regulations as to favor the candidates they wished to succeed. Besides, the inequality of the Representation in the Legislatures of particular States, would produce a like inequality in their representation in the Natl. Legislature, as it was presumable that the Counties having the power in the former case would secure it to themselves in the latter. What danger could there be in giving a controuling power to the Natl. Legislature? Of whom was it to consist? 1. of a Senate to be chosen by the State Legislatures. If the latter therefore could be trusted, their representatives could not be dangerous. 2. of Representatives elected by the same people who elect the State Legislatures; surely then if confidence is due to the latter, it must be due to the former. It seemed as improper in principle — though it might be less inconvenient in practice, to give to the State Legislatures this great authority over the election of the Representatives of the people in the Genl. Legislature, as it would be to give to the latter a like power over the election of their Representatives in the State Legislatures.

Mr. King. If this power be not given to the Natl. Legislature, their right of judging of the returns of their members may be frustrated. No probability has been suggested of its being abused by them. Altho this scheme of erecting the Genl. Govt. on the authority of the State Legislatures has been fatal to the federal establishment, it would seem as if many gentlemen, still foster the dangerous idea.

Mr. Govr. Morris — observed that the States might make false returns and then make no provisions for new elections

Mr. Sherman did not know but it might be best to retain the clause, though he had himself sufficient confidence in the State Legislatures. (The motion of Mr. P. & Mr. R. did not prevail)

(The word “respectively” was inserted after the word “State”)¹⁹

¹⁹ Taken from *Journal*.

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On the motion of Mr Read the word “their” was struck out, & “regulations in such cases” inserted in place of “provisions concerning them”. (the clause then reading — “but regulations, in each of the foregoing cases may at any time, be made or altered by the Legislature of the U. S.)²⁰ This was meant to give the Natl. Legislature a power not only to alter the provisions of the States, but to make regulations in case the States should fail or refuse altogether.

Art. VI. Sect. 1 — as thus amended was agreed to nem. con.
Adjourned.

KING

5. Art. S. 1 — Wilson moves to strike out the clause authorising the State Executives to supply Vacancies in the Senate observing that the case may be safely lodged with the Senate — Randolph agt. the motion — because the Senate is the Br. where the Interest of the States will be deposited — They ought then to be constantly represented — in case of Treaty, or the election of Ambassadors, each state ought to be present — the State Legislatures may be in recess at the Time of a vacancy in the senate — If the place is not supplied the state may suffer a very great Inconvenience — Wilson — I think Legislators are improper Electors of the Executive — and so the Executive is an unqualified Elector of the Legislators —

G Morris

Liberal & illiberal — The terms are indefinite — The Indians are the most liberal, because when a Stranger comes among them they offer him yr. wife & Daughters for his carnal amusement —

It is said yt. we threw open our Doors — invited the oppressed of all Countries to come & find an Asylum in America — This is true we invited them to come and worship in our Temple but we never invited them to become Priests at our Altar — We shd. cherish the love of our country — This is a whole-

²⁰ Revised from *Journal*.

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some prejudice and is in favor of our Country — Foreigners will not learn our laws & Constitution under 14 yrs. — 7 yrs must be applied to learn to be a Shoe Maker — 14 at least are necessary to learn to be an Amer. Legislator — Again — that period will be requisite to eradicate the Affections of Education and native Attachments —

Franklin — I am agt. the Term of 14 yrs — it looks illiberal — we have many good Friends in Engl. & other parts of Europe — they ought not to be excluded —
Wilson — agt. the motion for 14 yrs —²¹

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6 and 7 sects. agreed to without amendment.

The 1 section of the V article underwent an emendatory alteration. The last clause — “each member shall have one vote” — opposed by Mr. Mason, Randolph and a few others on account of the Senate by the loss of the 5 sect of the IV article having the same powers over money bills as the house of representatives. — The whole however was agreed to.

Sect. 2. agreed to after an emendatory addition.

Sect. 3 agreed to after inserting inhabitant for resident, as being less equivocal, and 9 years for 4 years.

Gouverneur Morris proposed insted of 4 years 14. He would have confined the members he said to natives — but for its appearance and the effects it might have against the system.

Mr. *Mason* had the same wishes, but he could not think of excluding those foreigners who had taken a part and borne with the country the dangers and burdenth of the war.

Mr. Maddison was against such an invidious distinction. The matter might be safely intrusted to the respective legislatures. Doctor Franklin was of the same opinion. Mr. Willson expressed himself feelingly on the same side. It might happen, he said, that he who had been thought worthy of

²¹ [Endorsed:] Term of Citizenship | to be a senator | Gov. Morris for 14 yrs | Franklin agt.

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being trusted with the framing of the Constitution, might be excluded from it. He had not been born in this country. He considered such excluding as one of the most galling chains which the human mind could experience, It was wrong to deprive the government of the talents virtue and abilities of such foreigners as might chuse to remove to this country. The corrup of other countries would not come here. Those who were tired in opposing such corruptions would be drawn hither, etc. etc.

Sect. 4 agreed to.

Article VI.

Sect. 1. Agreed to with this amendment insted of "*but their provisions concerning them.*"

adjourned