

SATURDAY, AUGUST 11, 1787.

JOURNAL

Saturday August 11. 1787.

It was moved and seconded to amend the first clause of the 7 sect. of the 6 article to read as follows namely

“Each House shall keep a Journal of it’s proceedings, and shall from time to time publish the same; except such part of the proceedings of the Senate when acting not in it’s Legislative capacity as may be judged by that House to require secrecy”

which passed in the negative. [Ayes — 1; noes — 10.]<sup>1</sup>

It was moved and seconded to insert in the first clause of the 7 sect of the 6 article after the word “thereof” the following words

“relative to Treaties and military operations”

which passed in the negative. [Ayes — 2; noes — 9.]<sup>2</sup>

[On the 1st clause of the 7 sect. of the 6 article as reported

Ayes — 11; noes 0.

except such parts thereof as in their judgment require secrecy.

Ayes — 6; noes — 4; divided — 1.

To agree to the last clause of the 7 sect of the 6 art.

Ayes — 11; noes — 0.]<sup>3</sup>

On the question to agree to the 7. sect. of the 6 article as amended

it passed in the affirmative

[To commit the 2nd clause of the 7 sect. 6 art.

Ayes — 4; noes — 7.

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<sup>1</sup> Vote 273, Detail of Ayes and Noes, which notes that it was “Mr. Madison’s amendmt”.

<sup>2</sup> Vote 274, Detail of Ayes and Noes, which states the question more correctly.

<sup>3</sup> Votes 275-277, Detail of Ayes and Noes.

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“nor to any other place than that at which the two Houses are sitting” 8 sect. 6 article Ayes — 10; noes — 1.<sup>4</sup>

It was moved and seconded to alter the 8th sect. of the 6. article to read as follows, namely,

“The Legislature shall at their first assembling determine  
“on a place at which their future Sessions shall be held:  
“neither House shall afterwards, during the Session of the  
“House of Representatives, without the consent of the other,  
“adjourn for more than three days, nor shall they adjourn to  
“any other place than such as shall have been fixed by law”

which passed in the negative

It was moved and seconded to prefix the following words to the 8 sect. of the 6 article, namely

“During the session of the Legislature”<sup>5</sup>

and to strike out the last clause of the section

which passed in the affirmative

On the question to agree to the 8 sect. of the 6 article as amended.

it passed in the affirmative

It was moved and seconded to reconsider the 5. sect. of the 4. article

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

and monday next was assigned for the reconsideration

And then the House adjourned till Monday next at 11 o’Clock A. M.

<sup>4</sup> Votes 278–279. Detail of Ayes and Noes. The former probably refers to Section 8 rather than Section 7, see Madison’s record.

<sup>5</sup> McHenry reports this on August 14.

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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
[273]	no	no	no	no	no	no	no	no	no	aye	no	no	no	To agree to Mr Madison's amendmt	1	10	
[274]	no	aye	aye	aye	no	no	no	no	no	no	no	no	no	except such parts thereof relative to Treaties & military operations.	2	9	
[275]	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	On the 1st clause of the 7 sect. of the 6 article as reported	11		
[276]	dd	aye	aye	aye	aye	no	no	no	no	aye	aye	no	aye	except such parts thereof as in their judgment require secrecy.	6	4	1
[277]	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	aye	To agree to the last clause of the 7 sect of the 6 art.			
[278]	no	aye	no	no	aye	aye	no	no	no	aye	no	no	no	To commit the 2nd clause of the 7 sect. 6 art.	4	7	
[279]	aye	aye	aye	aye	aye	aye	aye	aye	aye	no	aye	aye	aye	"nor to any other place than that at which the two Houses are sitting"	10	1	
[280]	aye	aye	aye	aye	no	aye	aye	no	no	aye	aye	dd	aye	8 sect. 6 article To reconsider 5 sect 4 article Monday assigned	8	2	1

MADISON

Saturday Augst. 11. in Convention

Mr (Madison) & Mr. Rutledge moved "that each House shall keep a journal of its proceeding, & (shall) publish the same from time to time; except such (part) of the proceedings of the Senate, when acting not in its Legislative capacity as may (be judged by) that House (to) require secrecy."

Mr. Mercer. This implies that other powers than legislative will be given to the Senate which he hoped would not be given.

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Mr. M(adison) & Mr. R's motion. was disagd. to by all the States except Virga.

Mr. Gerry & Mr. Sharman moved to insert after the words "publish them" the following "except such as relate to treaties & military operations." Their object was to give each House a discretion in such cases. — On this question

N. H— no. Mas— ay. Ct. ay. N— J. no. Pa. no. Del— no. Va. no. N. C. no. S. C. no. Geo. no. [Ayes — 2; noes — 8.]<sup>6</sup>

Mr. Elseworth. As the clause is objectionable in so many shapes, it may as well be struck out altogether.<sup>7</sup> The Legislature will not fail to publish their proceedings from time to time — The (people) will call for it if it should be improperly omitted.

Mr. Wilson thought the expunging of the clause would be very improper. The people have a right to know what their Agents are doing or have done, and it should not be in the option of the Legislature to conceal their proceedings. Besides as this is a clause in the existing confederation, the not retaining it would furnish the adversaries of the reform with a pretext by which weak & suspicious minds may be easily misled.

Mr. Mason thought it would give a just alarm to the people, to make a conclave of their Legislature.

Mr. Sherman thought the Legislature might be trusted in this case if in any.

Question on 1st. part of the Section, down to "*publish them*" inclusive: Agreed to nem. con.

Question on the words to follow, to wit except such parts thereof as may in their Judgment. require secrecy."<sup>8</sup> N. H. divid. Mas. ay. Ct. ay. N. J— ay. Pa. no. Del— no. Md. no. Va. ay— N. C. ay. S. C. no. Geo. ay— [Ayes — 6; noes — 4; divided — 1.]

The remaining part as to yeas and nays. — agreed to nem. con.

Art VI. sect. 8. taken up.<sup>9</sup>

<sup>6</sup> Vote 274, Detail of Ayes and Noes, includes Maryland in the negative.

<sup>7</sup> On the debate which follows, see Appendix A, CCXII, CCXXVII.

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

<sup>9</sup> Article VI, Sect. 8. "Neither House, without the consent of the other, shall

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Mr. King remarked<sup>10</sup> that the section authorized the 2 Houses to adjourn to a new place. He thought this inconvenient. The mutability of place had dishonored the federal Govt. and would require as strong a cure as we could devise. He thought a law at least should be (made) necessary to a removal of the Seat of Govt.

Mr (Madison) viewed the subject in the same light, and joined with Mr. King in a motion requiring a law.

Mr. Governr. Morris proposed the additional alteration by inserting the words "during the Session" &c".

Mr. Spaight. this will fix the seat of Govt at N. Y. (The present) Congress will convene them there in the first instance, and they will never be able to remove; especially if the Presidt. should be Northern Man.

Mr Govr Morris. such a distrust is inconsistent with all Govt.

Mr. (Madison) supposed that a central place for the Seat of Govt. was so just and wd. be so much insisted on by the H. of Representatives, that though a law should (be made requisite for)<sup>11</sup> the purpose, it could & would be attained. The necessity of a central residence of the Govt wd be much greater under the new than old Govt. The members of the (new) Govt wd. be more numerous. They would be taken more from the interior parts of the States: they wd. not, like members of (ye present) Congs. come so often from the distant States by water. As the powers & objects of the new Govt. would be far greater (yn. heretofore), more private individuals wd. have business calling them to the seat of it, and it was more necessary that the Govt should be in that position from which it could contemplate with the most equal eye, and sympathize most equally with, every part of the nation. These considerations he supposed would extort a removal even if a law were made necessary. But in order to quiet suspicions both within & without doors, it might not be

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adjourn for more than three days, nor to any other place than that at which the two Houses are sitting. But this regulation shall not extend to the Senate, when it shall exercise the powers mentioned in the article."

<sup>10</sup> Upon this debate, see Appendix A, CCX.      <sup>11</sup> Crossed out "be required of".

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amiss to authorize the 2 Houses by a concurrent vote to adjourn at their first meeting to the most proper place, and to require thereafter, the sanction of a law to their removal. (The motion was accordingly moulded into the following form: <sup>12</sup> "the Legislature shall at their first assembling determine on a place at which their future sessions shall be held; neither House shall afterwards, during the session of the House of Reps. without the consent of the other, adjourn for more than three days, nor shall they adjourn to any other place than such as shall have been fixt by law")

Mr. Gerry thought it would be wrong to let the Presidt check the will of the (2) Houses on this subject (at all.)

Mr Williamson supported the ideas of Mr. Spaight

Mr Carrol was actuated by the same apprehensions

Mr. Mercer. it will serve no purpose to require the two Houses at their first Meeting to fix on a place. They will never agree.

After some further expressions from others denoting an apprehension that the seat of Govt. might be continued at an improper place if a law should be made necessary to a removal, and (the) motion (above stated with another) for recommitting the section (had been) negatived, the Section was left in the shape it (which it was reported, as to this point. The words "during the session of the legislature were prefixed to the 8th section — and the last sentence "But this regulation shall not extend to the Senate when it shall exercise the powers mentioned in the article" struck out. The 8th. section as amended was then agreed to.)<sup>13</sup>

Mr. Randolph moved according to notice to reconsider Art: IV: Sect. 5. concerning money-bills which had been struck out. He argued<sup>14</sup> 1. that he had not wished for this privilege whilst a proportional Representation in the Senate was in contemplation. but since an equality had been fixed in that

<sup>12</sup> Taken from *Journal*.

<sup>13</sup> Taken from *Journal* after crossing out "now bears".

<sup>14</sup> Crossed out "1. that this exclusive privilege in behalf of the House of Representatives would render the plan acceptable". This necessitated the renumbering of the four other points.

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house, the large States would require this compensation at least. 2. that it would make the plan more acceptable to the people, because they will consider the Senate as the more aristocratic body, and will expect that the usual guards agst its influence be provided according to the example in G. Britain. 3. the privilege will give some advantage to the House of Reps. if it extends to the originating only — but still more, if it restrains the Senate (from) amend(g)<sup>15</sup> 4. he called on the smaller States to concur in the measure, as the condition by which alone the compromise had entitled them to an equality in the Senate. He signified that he should propose instead of the original Section, a clause specifying that the bills in question should be for the purpose of Revenue, in order to repel ye. objection agst. the extent of the words “*raising moneys*,” which might happen incidentally, and that the Senate should not so amend or alter as to increase or diminish the sum; in order to obviate the inconveniences urged agst. a restriction of the Senate to a simple affirmative or negative.

Mr. Williamson 2ded. the motion

Mr. Pinkney was sorry to oppose the opportunity gentlemen asked to have the question again opened for discussion, but as he considered it a mere waste of time he could not bring himself to consent to it. He said that notwithstanding what had been said as to the compromise, he always considered this section as making no part of it. The rule of Representation in the 1st. branch was the true condition of that in the 2d. branch. — Several others spoke for & agst the reconsideration, but without going into the merits — on the Question to reconsider

N. H. ay. Mas. ay. Ct. ay. N. J. ay.\* Pa. ay. Del. ay. Md. no. Va. ay. N. C. ay. S. C. divd. Geo. ay. [Ayes — 9; noes — 1; divided — 1.] — Monday was then assigned —

Adj'd.<sup>16</sup>

\* (In the printed Journal N. Jersey — no.)

<sup>15</sup> Originally “may amend.”

<sup>16</sup> See further, Appendix A, LXXXI, LXXXII.

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McHENRY

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## McHENRY

Augt. 11.

Sect. 7 agreed to after expunging the words "when it shall be acting in a legislative capacity" and inserting after the words "publish them" except such parts as in their judgement require secrecy —

After much debate agreed to reconsider on monday the 5 sect. of the 4 article.