

MONDAY, AUGUST 13, 1787.

JOURNAL

Monday August 13. 1787.

It was moved and seconded to strike out the word "seven" and to insert the word "four" in the 2nd sect. of the 4 article
It was moved and seconded to strike out the word "seven" and to insert the word "nine" in the 2nd sect. of the 4 article
It was moved and seconded to strike out the words "shall have been a citizen of the United States for at least seven years before his election" and to insert between the words "an" and "inhabitant" the words "Citizen and" in the 2nd sect. of the 4 article

which passed in the negative. [Ayes — 4; noes — 7.]¹

On the question to agree to the amendment of "nine"

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

On the question to agree to the amendment of "four"

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

It was moved and seconded to add the following clause to the 2nd sect. of the 4 article, namely,

"Provided always that the above limitation of seven years shall not be construed to affect the rights of those who are now Citizens of the United States"

which passed in the negative. [Ayes — 5; noes — 6.]²

It was moved and seconded to strike out the word "seven" and to insert the word "five" in the 2nd sect. of the 4. article

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

¹ Vote 281, Detail of Ayes and Noes, which notes that it was "Mr. Hamilton's amendment".

² Vote 284, Detail of Ayes and Noes, which notes it was "the Proviso offered . . . by Mr. G. Morris."

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On the question to agree to the 2nd sect. of the 4. article as formerly amended

it passed in the affirmative.

On the question shall the word "nine" in the 3rd sect. of the 5. article stand part of the said section

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

[To adjourn. — Ayes — 5; noes — 5; divided — 1.]³

It was moved and seconded to amend the 5. sect of the 4. article to read as follows, namely,

"all bills for raising money for the purposes of revenue, "or for appropriating the same, shall originate in the House "of representatives; and shall not be so altered or amended "by the Senate, as to encrease or diminish the sum to be "raised, or change the mode of raising or the objects of it's "appropriation"

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

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

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

[last clause 5 section 4. article Ayes — 1; noes — 10.]⁵

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

³ Vote 287, Detail of Ayes and Noes.

⁴ Vote 288, Detail of Ayes and Noes, which notes that it was "Mr. Randolph's proposition" and that the question was only one on "the first clause".

⁵ Vote 290, Detail of Ayes and Noes. There is nothing to indicate that this belongs here, except its relative position.

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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
[281]	no	no	aye	no	aye	no	aye	no	aye	aye	no	no	no	On Mr Hamilton's amendment of the 2nd sect. of the 4 article	4	7	
[282]	aye	no	no	no	no	no	no	no	no	no	no	aye	aye	To strike out the word "seven" and to insert the word "nine" 2 sect. 4 art.	3	8	
[283]	no	no	aye	no	no	no	aye	aye	no	no	no	no	no	To agree to the amendmt of "four" 2 sect. 4 article.	3	8	
[284]	no	no	aye	aye	aye	no	aye	aye	no	no	no	no	no	To agree to the Proviso offered to ye 2 sect of the 4 art. by Mr. G. Morris.	5	6	
[285]	no	no	aye	no	dd	no	aye	aye	no	no	no	no	no	instead of the word "seven" to insert "five	3	7	I
[286]	aye	aye	no	aye	no	aye	no	aye	aye	aye	aye	aye	aye	shall the word nine in the 3rd sect of the 5 art: remain.	8	3	
[287]	dd	aye	aye	no	aye	aye	aye	no	no	no	no	no	no	To adjourn.—	5	5	I
[288]	aye	aye	no	no	no	no	no	aye	aye	no	no	no	no	To agree to the first clause of Mr Randolph's proposition for reinstating the 5 Section 4 article	4	7	
[289]	aye	aye	no	no	no	no	no	no	no	aye	no	no	no	To agree to the 5 sect. 4 art. as reported	3	8	
[290]	no	aye	no	no	no	no	no	no	no	no	no	no	no	last clause 5 section 4. article	1	10	

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Monday. Augst. 13. In Convention

Art. IV. Sect. 2. reconsidered—⁶

⁶ Article IV, Sect. 2 (as amended). "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 seven years before his election; and shall be, at the time of his election an inhabitant of the State in which he shall be chosen."

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Mr. Wilson & Mr. Randolph moved to strike out "7 years" and insert "4 years," as the requisite term of Citizenship to qualify for the House of Reps. Mr. Wilson said it was very proper the electors should govern themselves by this consideration; but unnecessary & improper that the Constitution should chain them down to it.

Mr. Gerry wished that in future the eligibility might be confined to Natives. Foreign powers will intermeddle in our affairs, and spare no expence to influence them. Persons having foreign attachments will be sent among us & insinuated into our councils, in order to be made instruments for their purposes. Every one knows the vast sums laid out in Europe for secret services — He was not singular in these ideas. A great many of the most influential men in Massts. reasoned in the same manner.

Mr. Williamson moved to insert 9 years instead of seven. He wished this Country to acquire as fast as possible national habits. Wealthy emigrants do more harm by their luxurious examples, than good, by the money, they bring with them.

Col. Hamilton was in general agst. embarrassing the Govt. with minute restrictions. There was on one side the possible danger that had been suggested — on the other side, the advantage of encouraging foreigners was obvious & admitted. Persons in Europe of moderate fortunes will be fond of coming here where they will be on a level with the first Citizens. He moved that the section be so altered as to require merely Citizenship & inhabitancy. The right of determining the rule of naturalization will then leave a discretion to the Legislature on this subject which will answer every purpose.

Mr (Madison) seconded the motion. He wished to maintain the character of liberality which had been professed in all the Constitutions & publications of America. He wished to invite foreigners of merit & republican principles among us. America was indebted to emigration for her settlement & Prosperity. That part of America which had encouraged them most had advanced most rapidly in population, agriculture & the arts. There was a possible danger he admitted that men with foreign predilections might obtain appoint-

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ments but it was by no means probable that it would happen in any dangerous degree. For the same reason that they would be attached to their native Country, our own people wd. prefer natives of this Country to them. Experience proved this to be the case. Instances were rare of a foreigner being elected by the people within any short space after his coming among us — If bribery was to be practised by foreign powers, it would not be attempted among the electors, but among the elected; and among natives having full Confidence of the people not among strangers who would be regarded with a jealous eye.

Mr. Wilson. Cited Pennsylv. as a proof of the advantage of encouraging emigrations. It was perhaps the youngest (except Georgia) settlemt. on the Atlantic; yet it was at least among the foremost in population & prosperity. He remarked that almost all the Genl. officers of (the) Pena. line (of the late army) were foreigners. And no complaint had ever been made against their fidelity or merit. Three of her deputies to the Convention (Mr. R. Morris, Mr. Fitzsimmons & himself) were also not natives. He had no objection to Col. Hamiltons motion & would withdraw the one made by himself.⁷

Mr. Butler was strenuous agst. admitting foreigners into our public Councils.

Question on Col. Hamilton's Motion

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

Question on Mr. Williamson's moution, to insert 9 years instead of seven.

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

Mr. Wilson's renewed the motion for 4 years instead of 7. & on question

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

⁷ See Appendix A, CCCXXXVI.

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Mr. Govr. Morris moved to add to the end of the section (art IV. s. 2) a proviso that the limitation (of seven years) should not affect (the rights of) any person now a Citizen.⁸

Mr. Mercer 2ded. the motion. It was necessary he said to prevent a disfranchisement of persons who had become Citizens under the faith (& according to) — the laws & Constitution (from) being on a level in all respects with natives.

Mr. Rutledge. It might as well be said that all qualifications are disfranchisements. and that to require the age of 25 years was a disfranchisement. The policy of the precaution was as great with regard to foreigners now Citizens; as to those who are to be naturalized in future.

Mr Sherman. The U. States have not invited foreigners nor pledged their faith that they should enjoy equal privileges with native Citizens. The Individual States alone have done this. The former therefore are at liberty to make any discriminations they may judge requisite.

Mr. Ghorum. When foreigners are naturalized it wd. seem as if they stand on an equal footing with natives. He doubted then the propriety of giving a retrospective force to the restriction.

Mr. (Madison) animadverted on the peculiarity of the doctrine of Mr. Sharman. It was (a subilty) by which every national engagement might be evaded. By parity of reason, Whenever our public debts, or foreign treaties become inconvenient nothing (more) would be necessary to relieve us from them, than to⁹ new model the Constitution. It was said that the U. S. as such have not pledged their faith to the naturalized foreigners, & therefore are not bound. Be it so, & that the States alone are bound. Who are to form the New Constitution by which the condition of that class of citizens is to be made worse than the other class? Are not the States ye agents? will they not be the members of it? Did they not appoint this Convention? Are not they to ratify its proceedings? Will not the new Constitution be their Act? If the new Constitution then violates the faith pledged to any

⁸ Revised from *Journal*.

⁹ Crossed out: "abolish them by".

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description of people will not the makers of it, will not the States, be the violators. To justify the doctrine it must be said that the States can get rid of their obligation by revising the Constitution, though they could not do it by repealing the law under which foreigners held their privileges. He considered this a matter of real importance. It would expose us to the reproaches of all those who should be affected by it, reproaches which wd. soon be echoed from the other side of the Atlantic; and would unnecessarily enlist among the Adversaries of the reform a very considerable body of Citizens: We should moreover reduce every State to the dilemma of rejecting it or of violating the faith pledged to a part of its citizens.

Mr. Govr. Morris¹⁰ considered the case of persons under 25 years, as very different from that of foreigners. No faith could be pleaded by the former in bar of the regulation. No assurance had ever been given that persons under that age should be in all cases on a level with those above it. But with regard to foreigners among us, the faith had been pledged that they should enjoy the privileges of Citizens. If the restriction as to age had been confined to natives, & had left foreigners under 25 years, eligible in this case, the discrimination wd. have been an equal injustice on the other side.

Mr. Pinkney remarked that the laws of the States had varied much the terms of naturalization in different parts of America; and contended that the U. S. could not be bound to respect them on such an occasion as the present. It was a sort of recurrence to first principles.

Col- Mason was struck not like (Mr. (Madison)), with the *peculiarity*,¹¹ but the *propriety*¹¹ of the doctrine of Mr. Sharman. The States have formed different qualifications themselves, for enjoying different rights of citizenship. Greater caution wd. be necessary in the outset of the Govt. than afterwards. All the great objects wd. be then provided for. Every thing would be then set in Motion. If persons among us attached to G- B. should work themselves into our Councils, a turn might be given to our affairs & particularly to our Commer-

¹⁰ Crossed out: "Mr. Randolph remarked".

¹¹ Underscored by Madison when he revised his notes.

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cial regulations which might have pernicious consequences. The great Houses of British Merchants would spare no pains to insinuate the instruments of their views (into the Govt —)

Mr. Wilson read the clause in the Constitution of Pena. giving to foreigners after two years residence all the rights whatsoever of Citizens, combined it with the Article of Confederation making the Citizens of one State Citizens of all, inferred the obligation Pena. was under to maintain the faith thus pledged to her citizens of foreign birth, and the just complaints which her failure would authorize: He observed likewise that the Princes & States of Europe would avail themselves of such breach (of faith) to deter their subjects from emigrating to the U. S.¹²

Mr. Mercer enforced the same idea of a breach of faith.

Mr. Baldwin could (not) enter into the force of the arguments agst. extending the disqualification to foreigners now Citizens. The discrimination of the place of birth, was not more objectionable than that of age which all had concurred in the propriety of.

Question on the proviso of Mr Govr. Morris in favor of foreigners now Citizens

N. H. no. Mas. no. Ct. ay. N. J. ay. Pa. ay. Del. no. Maryd. ay. Va. ay. N- C. no. S. C. no. Geo. no. [Ayes — 5; noes — 6.]

Mr. Carrol moved to (insert) “5 years” instead “of seven,” (in section 2d. Art: IV)¹³

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

The Section (Art IV. Sec. 2.) (as formerly amended was)¹³ then agreed to nem. con.

Mr. Wilson moved that (in Art: V. sect. 3)¹⁴ 9 years be reduced to seven. (which was disagd. to and the 3d. Section (art. V.) confirmed by the following vote.)¹⁵

¹² See Appendix A, CCCXXXVI.

¹³ Revised from *Journal*.

¹⁴ Relating to qualifications of Senators.

¹⁵ Taken from *Journal*. Madison originally gave the vote which follows to the question preceding.

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

Art. IV. (Sec.) 5. (being) reconsidered.

Mr. Randolph moved that the clause be altered so as to read — “Bills for raising money for the *purpose of revenue* (or for appropriating the same shall originate in the House of Representatives) and shall not be (so) amended or altered by the Senate as to increase or diminish the sum to be raised, or change the mode of levying it, or the object of its appropriation.”^{15a} — He would not repeat his reasons, but barely remind the members from the smaller States of the compromise by which the larger States were entitled to this privilege.

Col. Mason. This amendment removes all the objections urged agst. the section as it stood at first. By specifying *purposes of revenue*, it obviated the objection that the Section extended to all bills under which money might incidentally arise. By authorizing amendments in the Senate it got rid of the objections that the Senate could not correct errors of any sort, & that it would introduce into the House of Reps. the practice of tacking foreign matter to money bills: These objections being removed, the arguments in favor of the proposed restraint on the Senate ought to have their full force. 1. the Senate did not represent the *people*, but the *States* in their political character. It was improper therefore that it should tax the people. The reason was the same agst. their doing it; as it had been agst. Congs. doing it. Nor was it in any respect necessary in order to cure the evils of our Republican system. He admitted that notwithstanding the superiority of the Republican form over every other, it had its evils. The chief ones, were the danger of the majority oppressing the minority, and the mischievous influence of demagogues. The Genl. Government of itself will cure these. As the States will not concur at the same time in their unjust & oppressive plans, the general Govt. will be able to check &

^{15a} Revised from *Journal*.

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defeat them, whether they result from the wickedness of the majority, or from the misguidance of demagogues. Again, the Senate is not like the H. of Reps. chosen frequently and obliged to return frequently among the people. They are to be chosen by the Sts for 6 years, will probably settle themselves at the seat of Govt. will pursue schemes for their own aggrandizement — will be able by wearyng out the H. of Reps and taking advantage of their impatience at the close of a long Session, to extort measures for that purpose. If they should be paid as he expected would be yet determined & wished to be so, out of the Natl. Treasury, they will particularly extort an increase of their wages. A bare negative was a very different thing from that of originating bills. The practice in Engld was in point. The House of Lords does not represent nor tax the people, because not elected by the people. If the Senate can originate, they will in the recess of the Legislative Sessions, hatch their mischievous projects, for their own purposes, and have their money bills ready cut & dried, (to use a common phrase) for the meeting of the H. of Reps. He compared the case to Poyning's law — and signified that the House of Reps. might be rendered by degrees like the Parliament of Paris, the mere depository of the decrees of the Senate. As to the compromise so much had passed on that subject that he would say nothing about it. He did not mean by what he had said to oppose the permanency of the Senate. On the contrary he had no repugnance to an increase of it — nor to allowing it a negative, though the Senate was not by its present constitution entitled to it. But in all events he would contend that the pursestrings should be in the hands of the Representatives of the people.

Mr. Wilson was himself directly opposed to the equality of votes granted to the Senate by its present Constitution. At the same time he wished not to multiply the vices of the system. He did not mean to enlarge on a subject which had been so much canvassed, but would remark as an insuperable objection agst. the proposed restriction of money bills to the H. of Reps. that it would be a source of perpetual contentions where there was no mediator to decide them. The Presidt.

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here could not like the Executive Magistrate in England interpose by a prorogation, or dissolution. This restriction had been found pregnant with altercation in every State where the Constitution had established it. The House of Reps. will insert the other things in money bills, and by making them conditions of each other, destroy the deliberate liberty of the Senate. He stated the case of a Preamble to a money bill sent up by the House of Commons in the reign of Queen Anne, to the H. of Lords, in which the conduct of the displaced Ministry, who were to be impeached before the Lords, was condemned; the Commons thus extorting a premature judgment without any hearing of the Parties to be tried, and the H. of Lords being thus reduced to the poor & disgraceful expedient of opposing to the authority of a law a protest on their Journals agst. its being drawn into precedent. If there was any thing like Poynings law in the present case, it was in the attempt to vest the exclusive right of originating in the H. of Reps. and so far he was agst it. He should be equally so if the right were to be exclusively vested in the Senate. With regard to the pursestrings, it was to be observed that the purse was to have two strings, one of which was in the hands of the H. of Reps. the other in those of the Senate. Both houses must concur in untying, and of what importance could it be which untied first, which last. He could not conceive it to be any objection to the senate's preparing the bills, that they would have leisure for that purpose and would be in the habits of business. War, Commerce, & Revenue were the great objects of the Genl. Government. All of them are connected with money. The restriction in favor of the H. of Reps. would exclude the Senate from originating any important bills whatever —

Mr Gerry. considered this as a part of the plan that would be much scrutinized. Taxation & representation are strongly associated in the minds of the people, and they will not agree that any but their immediate representatives shall meddle with their purses. In short the acceptance of the plan will inevitably fail, if the Senate be not restrained from originating Money bills.

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Mr. Governmr. Morris All the arguments suppose the right to originate & to tax, to be exclusively vested in the Senate. — The effects commented on may be produced by a Negative only in the Senate. They can tire out the other House, and extort their concurrence in favorite measures, as well by withholding their negative, as by adhering to a bill introduced by themselves.

Mr (Madison thought) If the substitute offered by Mr. Randolph for the original section is to be adopted it would be proper to allow the Senate at least so to amend as to *diminish* the sums to be raised. Why should they be restrained from checking the extravagance of the other House? — One of the greatest evils incident to Republican Govt. was the spirit of contention & faction. The proposed substitute, which in some respects lessened the objections agst. the section, had a contrary effect with respect to this particular. It laid a foundation for new difficulties and disputes between the two houses. The word *revenue* was ambiguous. In many acts, particularly in the regulations of trade, the object would be twofold. The raising of revenue would be one of them. How could it be determined which was the primary or predominant one; or whether it was necessary that revenue shd: be the sole object, in exclusion even of other incidental effects. When the Contest was first opened with G. B. their power to regulate trade was admitted. Their power to raise revenue rejected. An accurate investigation of the subject afterward proved that no line could be drawn between the two cases. The words *amend or alter*, form an equal source of doubt & altercation. When an obnoxious paragraph shall be sent down from the Senate to the House of Reprs it will be called an origination under the name of an amendment. The Senate may actually couch extraneous matter under that name. In these cases, the question will turn on the *degree* of connection between the matter & object of the bill and the (alteration or) amendment offered to it. Can there be a more fruitful source of dispute, or a kind of dispute more difficult to be settled? His apprehensions on this point were not conjectural. Disputes had actually flowed from this source in Virga. where

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the Senate can originate no bill. The words "so as to *increase or diminish* the sum to be raised," were liable to the same objections. In levying indirect taxes, which it seemed to be understood were to form the principal revenue of the new Govt. the sum to be raised, would be increased or diminished by a variety of collateral circumstances influencing the consumption, in general, the consumption of foreign or of domestic articles — of this or that particular species of articles, and even by the mode of collection which may be closely connected with the productiveness of a tax. — The friends of the section had argued its necessity from the permanency of the Senate. He could not see how this argumt. applied. The Senate was not more permanent now than in the form it bore in the original propositions of Mr. Randolph and at the time when no objection whatever was hinted agst. its originating money bills. Or if in consequence of a loss of the present question, a proportional vote in the Senate should be reinstated as has been urged as the indemnification the permanency of the Senate will remain the same. — If the right to originate be vested exclusively in the House of Reps. either the Senate must yield agst. its judgment to that House, in which (case) the Utility of the check will be lost — or the Senate will be inflexible & the H. of Reps must adapt its Money bill to the views of the Senate, in which case, the exclusive right will be of no avail. — As to the Compromise of which so much had been said, he would make a single observation. There were 5 States which had opposed the equality of votes in the Senate. viz. Masts. Penna. Virga. N. Carolina & S. Carola. As a compensation for the sacrifice extorted (from them) on this head, the exclusive origination of money bills in the other House had been tendered. Of the five States a majority viz. Penna. Virga. & S. Carola. have uniformly voted agst. the proposed compensation, on its own merits, as rendering the plan of Govt. still more objectionable— Massts has been divided. N. Carolina alone has set a value on the compensation, and voted on that principle. What obligation then can the small States be under to concur agst. their judgments in reinstating the section?

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Mr. Dickenson. Experience must be our only guide. Reason may mislead us. It was not Reason that discovered the singular & admirable mechanism of the English Constitution. It was not Reason that discovered or ever could have discovered the odd & in the eye of those who are governed by reason, the absurd mode of trial by Jury. Accidents probably produced these discoveries, and experience has give a sanction to them. This is then our guide. And has not experience verified the utility of restraining money bills to the immediate representatives of the people. Whence the effect may have proceeded he could not say; whether from the respect with which this privilege inspired the other branches of Govt. to the H. of Commons, or from the turn of thinking it gave to the people at large with regard to their rights, but the effect was visible & could not be doubted. Shall we oppose to this long experience, the short experience of 11 years which we had ourselves, on this subject — As to disputes, they could not be avoided any way. If both Houses should originate, each would have a different bill to which it would be attached, and for which it would contend. — He observed that all the prejudices of the people would be offended by refusing this exclusive privilege to the H. of Reprss. and these prejudices shd. never be disregarded by us when no essential purpose was to be served. When this plan goes forth, it will be attacked by the popular leaders. Aristocracy will be the watchword; the Shibboleth among its adversaries. Eight States have inserted in their Constitutions the exclusive right of originating money bills in favor of the popular branch of the Legislature. Most of them however allowed the other branch to amend. This he thought would be proper for us to do.

Mr Randolph regarded this point as of such consequence, that as he valued the peace of this Country, he would press the adoption of it. We had numerous & monstrous difficulties to combat. Surely we ought not to increase them. When the people behold in the Senate, the countenance of an aristocracy; and in the president, the form at least of a little monarch, will not their alarms be sufficiently raised without

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taking from their immediate representatives, a right which has been so long appropriated to them. — The Executive will have more influence over the Senate, than over the H. of Reps — Allow the Senate to originate in this case, & that influence will be sure to mix itself in their deliberations & plans. The Declaration of War he conceived ought not to be in the Senate composed of 26 men only, but rather in the other House. In the other House ought to be placed the origination of the means of war. As to Commercial regulations which may involve revenue, the difficulty may be avoided by restraining the definition to bills for the *mere* or *sole*, purpose of raising revenue. The Senate will be more likely to be corrupt than the H. of Reps and should therefore have less to do with money matters. His principal object however was to prevent popular objections against the plan, and to secure its adoption.

Mr. Rutledge. The friends of this motion are not consistent in their reasoning. They tell us, that (we ought to be guided by) the long experience of G. B. & not our own experience of 11 years: and yet they themselves propose to depart from it. The *H. of Commons* not only have the exclusive right of originating, but the *Lords* are not allowed to alter or amend a money bill. Will not the people say that this restriction is but a mere tub to the whale. They cannot but see that it is of no real consequence; and will be more likely to be displeased with it as an attempt to bubble them, than to impute it to a watchfulness over their rights. For his part, he would prefer giving the exclusive right to the Senate, if it was to be given (exclusively) at all. The Senate being more conversant in business, and having more leisure, will digest the bills much better, and as they are to have no effect, till examined & approved by the H. of Reps there can be no possible danger. These clauses in the Constitutions of the States had been put in through a blind adherence to the British model. If the work was to be done over now, they would be omitted. The experiment in S. Carolina— where the Senate cannot originate or amend money bills, has shown that it answers no good purpose; and produces the very bad one of

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continually dividing & heating the two houses. Sometimes indeed if the matter of the amendment of the Senate is pleasing to the other House they wink at the encroachment; if it be displeasing, then the Constitution is appealed to. Every Session is distracted by altercations on this subject. The practice now becoming frequent is for the Senate not to make formal amendments; but to send down a schedule of the alterations which will procure the bill their assent.

Mr. Carrol. The most ingenious men in Maryland are puzzled to define the case of money bills, or explain the Constitution on that point; tho' it seemed to be worded with all possible plainness & precision. It is a source of continual difficulty & squabble between the two houses.

Mr. McHenry mentioned an instance of extraordinary subterfuge, to get rid of the apparent force of the Constitution

On Question on the first part of the motion as to the exclusive originating of Money bills in the H. of Reps.

N. H. ay. Mas. ay. Ct. no. N. J. no. Pa. no. Del. no. Md. no. Virga. ay. Mr. Blair & Mr. M. no. Mr. R. Col. Mason and *Genl. Washington ay. N. C. ay. S. C. no. Geo. no [Ayes — 4; noes — 7.]

Question on Originating by H. of Reps & *amending* by Senate. (as reported, Art IV. Sect. 5.)¹⁶

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

(Question on the last clause of sect: 5 — Art: IV — viz “No money shall be drawn from the Public Treasury, but in pursuance of *appropriations* that shall originate in the House of Reps. It passed in the negative

N. H. no. Mas. ay. Con. no. N. J. no. Pa. no. Del. no. Md. no. Va. no. N. C. no. S. C. no. Geo. no.)¹⁷ [Ayes — 1; noes — 10.]

Adjd.¹⁸

* he disapproved & till now voted agst., the exclusive privilege, he gave up his judgment he said, because it was not of very material weight with him & was made an essential point with others, who if disappointed, might be less cordial in other points of real weight.

† (In the printed Journ Virga — no)

¹⁶ Taken from *Journal*.

¹⁷ Taken from *Journal*, see above, note 5.

¹⁸ See further Appendix A, LXXXIII, LXXXIIIa.

Monday

McHENRY

August 13

McHENRY

August 13.

The 2 sect. of the 4 article and the 3 sect. of the 5 article was reconsidered and lengthily debated. The 7 years however in the first and the 9 years in the latter remained and the articles stood as before reconsideration.