Committee of Detail Documents

Document I:
Twenty-Four Referred Resolutions from the Committee of the Whole

This untitled document is in James Wilson's hand. It consists of a single folio sheet, measuring 38.5 × 47.5 cm. The sheet has been folded in half to make a signature of four pages; the fourth page was left blank. As Max Farrand observes in a footnote, this document is a copy of the resolutions referred to the Committee of Detail by the Constitutional Convention's Committee of the Whole on July 24, 1787. There are eight numbered resolutions, with resolution 7 containing three subresolutions and resolution 8 containing what appear to be either thirteen subresolutions, or resolutions that simply failed to be numbered. All told, there are twenty-four provisions beginning "Resolved."

The product of the two-month debate over the Virginia Plan proposed by Gov. Edmund Randolph on May 29, 1787, these resolutions provide the overarching political structure of the Constitution—the number of branches, their broad purpose and method of selection, as well as provisions regarding amendments, oaths of office, and recognition of new states.

Before the convention adjourned on July 26, Luther Martin of Maryland had proposed that members of the convention be allowed to copy the referred resolutions and consider them during the ten-day break. This motion failed, therefore limiting the number of copies originally made.1 William Jackson, secretary to the convention, presumably held an official copy, but it did not survive. Whether James Madison, in preparing his Notes, worked from this copy, or had his own independent record despite Martin's failed motion (reprinted only in Jonathan Elliot's Debates, not in Farrand), is uncertain.2 (Volume 2 of Wilson's papers at the Historical Society contains a second list of resolutions adopted by the convention, but it dates from an earlier stage in the proceedings, probably before the "Great Compromise" of July 16, and was most likely made by Wilson for his own use.) Whether the committee worked from an official copy or Wilson's copy reprinted here is unclear.

According to John Franklin Jameson, this document appeared “fourth in the order of binding” at the Historical Society.3 By labeling it Document I, Farrand in this case departed from the order of binding for the obvious reason that the document marks the logical starting point of the committee's deliberations.

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Mr. Meridith called upon you
1. Resolved That the Government of the United States ought to consist of a Supreme Legislative, \(\exists\)Judiciary and Executive

2. Resolved That the Legislature of the United States ought to consist of two Branches of the United States

3. Resolved That the Members of the first Branch of the Legislature \(\wedge\) ought to be — elected by the People of the several States — for the Term of two Years — to be of the Age of twenty five Years at least — to be ineligible to and incapable of holding any Office under the Authority of the United States (except those peculiarly belonging to the Functions of the first Branch) during the Time of Service of the first Branch

4. Resolved That the Members of the second Branch of the Legislature of the United States ought to be chosen by the Individual Legislatures — to be of the Age of thirty Years at least — to hold their Offices for the Term of six Years; one third to go out biennially—to receive a Compensation for the Devotion of their Time to the public Service — to be ineligible to and incapable of holding any Office under the Authority of the United States (except those peculiarly belonging to the Functions of the second Branch) during the Term for which they are elected, and for one Year thereafter.

5. Resolved That each Branch ought to possess the Right of originating Acts.

6. Resolved That the Right of Suffrage in the first Branch of the Legislature of the United States ought not to be according to the Rules established in the Articles of Confederation but according to some equitable Ratio of Representation

7. Resolved That in the original Formation of the Legislature of the United States the first Branch thereof shall consist of sixty five Members of which Number New-Hampshire shall send three — Massachussetts eight — Rhode Island one — Connecticut five — New York six — New-Jersey four — Pennsylvania eight — Delaware one — Maryland six — Virginia ten — North. Carolina five — South Carolina five — Georgia three.

But as the present Situation of the States may probably alter in the Number of their Inhabitants, the Legislature of the United States shall be authorised from Time to Time to apportion the Number of Representatives; and in Case any of the States shall hereafter be divided, or enlarged by Addition of Territory, or any two or more States united, or any new States created within the Limits of the United States, the Legislature of the United States shall possess Authority to regulate the Number of Representatives in any of the foregoing Cases, upon the Principle of the Number of their Inhabitants, according to the Provisions herein after mentioned namely — Provided always that Representation ought to be proportioned according to direct Taxation: And in order to ascertain the Alteration in the direct Taxation, which may be required from Time to Time, by the Changes in the relative Circumstances of the States — Resolved that a Census be taken, within six Years from the first Meeting of the Legislature of the United States, and once within the Term of every ten Years
Years afterwards, of all the Inhabitants of the United States in the Manner and according to the Ratio recommended by Congress in their Resolution of April 18th, 1783 — And that the Legislature of the United States shall proportion the direct Taxation accordingly.

Resolved that all Bills for raising or appropriating Money, and for fixing the Salaries of the Officers of the Government of the United States shall originate in the first Branch of the Legislature of the United States, and shall not be altered or amended by the second Branch; and that no Money shall be drawn from the public Treasury but in Pursuance of Appropriations to be originated by the first Branch.

Resolved that from the first Meeting of the Legislature of the United States until a Census shall be taken, all Monies for supplying the public Treasury by direct Taxation shall be raised from the several States according to the Number of their Representatives respectively in the first Branch.

8. Resolved That in the second Branch of the Legislature of the United States each State shall have an equal Vote.

Resolved That the Legislature of the United States ought to possess the legislative Rights vested in Congress by the Confederation; and moreover to legislate in all Cases for the general Interests of the Union, and also in those Cases to which the States are separately incompetent, or in which the Harmony of the United States may be interrupted by the Exercise of individual Legislation.

Resolved That the legislative Acts of the United States made by Virtue and in Pursuance of the Articles of Union, and all Treaties made and ratified under the Authority of the United States shall be the supreme Law of the respective States so far as those Acts or Treaties shall relate to the said States, or their Citizens and Inhabitants; and that the Judicatures of the several States shall be bound thereby in their Decisions, any Thing in the respective Laws of the individual States to the contrary notwithstanding.

Resolved That a national Executive be instituted to consist of a single Person — to be chosen for the Term of six Years — with Power to carry into Execution the national Laws — to appoint to Offices in Cases not otherwise provided for — to be removable on Impeachment and Conviction of mal Practice or Neglect of Duty — to receive a fixed Compensation for the Devotion of his Time to public Service — to be paid out of the public Treasury.

Resolved That the national Executive shall have a Right to negative any legislative Act, which shall not be afterwa ds passed, unless by two third Parts of each Branch of the national Legislative/ure.

Resolved That a national Judiciary be established to consist of one Supreme Tribunal — the Judges of which shall be appointed by the second Branch of the national Legislature — to hold their Offices during good Behaviour — to receive punctually at stated Times a fixed Compensation for their Services, in which no Diminution shall be made so as to affect the Persons actually in Office at the Time of such Diminution.

Resolved That the Jurisdiction of the national Judiciary shall extend to Cases arising under the Laws passed by the general Legislature, and to such other Questions as involve the national Peace and Harmony.

Resolved
Resolved that the national legislature be committed to support its inhabitants.

Resolved that Congress might be created for the regulation of trade, commerce, and navigation, within the limits of the United States, subject to the laws and regulations of the national government, and to all the laws and regulations of the states of the union or other laws for maintaining peace in the national debt.

Resolved that a national debt of government might be guaranteed to all debts, and that such debt should be held against foreign as domestic debt.

Resolved that Congress might be created for the regulation of the debt of the states, national, and state, and the same hereby.

Resolved that the legislature, executive, and judiciary power in the states of the union, and of the national government, might be bound by both to support the law of nations.

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Resolved that the legislature, executive, and judiciary power in the states of the union, and of the national government, might be bound by both to support the law of nations.
Resolved That the national Legislature be empowered to appoint inferior Tribunals.
Resolved That Provision ought to be made for the Admission of States lawfully arising within the Limits of the United States, whether from a voluntary Junction of Government and Territory, or otherwise, with the Consent of a Number of Voices in the national Legislature less than the whole.
Resolved That a Republican Form of Government shall be guarantied to each State; and that each State shall be protected against foreign and domestic Violence.
Resolved That Provision ought to be made for the Amendment of the Articles of Union, whensoever it shall seem necessary.
Resolved That the legislative, executive and judiciary Powers, within the several States, and of the national Government, ought to be bound by Oath to support the Articles of Union.
Resolved That the Amendments which shall be offered to the Confederation by the Convention ought at a proper Time or Times, after the Approbation of Congress, to be submitted to an Assembly or Assemblies of Representatives, recommended by the several Legislatures, to be expressly chosen by the People to consider and decide thereon.
Resolved That the Representation in the second Branch of the Legislature of the United States consist of two Members from each State, who shall vote per capita.
Document II:
Resolutions Taken from the Proceedings of the Convention
July 24–July 26

The next document in Farrand’s sequence is his own compilation of the resolutions passed by the Committee of the Whole after the twenty-four resolutions had been referred and before the convention adjourned on July 26. Because Farrand’s Document II is not a document per se, it is not included here.

Document III:
Wilson’s Copy of the Pinckney Plan

Another untitled document in Wilson’s hand follows. This document is “the plan of a constitution presented to the Federal Convention by Charles Pinckney May 29, 1787,” according to Andrew McLaughlin, who provided the identification; McLaughlin viewed it as an outline rather than as a copy of the entire plan.5 After Charles Pinckney proposed the plan, it was not discussed at all in convention, but referred to the Committee of Detail on July 26, 1787.6 Pinckney’s original draft has been lost. As with the referred resolutions, it is not known whether the Committee of Detail worked from the original or from Wilson’s copy.

This document is composed of four sheets that have been folded in half and sewn to form a signature whose pages measure 19 × 22 cm. It is not clear when the stitched binding took place. Wilson wrote his extracts on the recto side only, starting on the outermost page and skipping the first interior recto page: his writing fills six pages, with the verso sides being left blank. This document is now held in a separate box bearing the label, “Pinckney Resolutions/James Wilson/Second Draft of the U.S. Constitution.” The Pinckney Resolutions (as Farrand’s sequencing of the documents recognizes) were one of the starting points for the committee’s work, preceding even the first Wilson draft of the Constitution. The recto pages have been numbered in pencil, from thirteen to nineteen, starting with the outermost page. On the back page, also in pencil, is written, “Wilson’s abstract of the Pinckney Resolutions. See American Historical Review, July, 1904, p. 735.” This is a reference to McLaughlin’s article. From the marginal tape still present on the document, this document appears to have been bound with other Wilson documents in 1877.

6 Farrand, Records, 2:128.
1. A Confederation between the several States, in dependence one upon another, for their common defence, and for the general development of Government, for their common benefit, and for the equal protection of their interests against all foreign attacks; so as to form a union under one general Government of all the States, with power derived from the States to curtail, or modify, any treaty, or other agreement, which should be contrary to the interests and rights of the States, or of any of them.

2. To this

3. The several States, by the power of their respective Legislatures, shall be represented in Congress, and every State shall have one vote. Each State shall be equally represented in Congress, and the number of Congressmen from each State shall be fixed by their respective Legislatures.
1. A Confederation between the free and independent States of N. H. &C is hereby solemnly made uniting them together under one general superintending Government for their common Benefit and for their Defence and Security against all Designs and Leagues that may be [injurious?] to their Interests and against all Force and Attacks offered to or made upon them or any of them.

2. The Stile


4. The
6. To...
4. Two Branches of the Legislature — Senate — House of Delegates — together the U. S. in Congress assembled

   H.D. to consist of one Member for every thousand
   Inhabitants 3/5 of Blacks included

   Senate to be elected from four Districts — to serve by
   Rotation of four Years — to be elected by the H. D.
   either from among themselves or the People at large

5. The Senate and H. D. shall by joint Ballot annually chuse the
   Presid'. U.S. from among themselves or the People at large. — In the
   Presid'. the executive Authority of the U.S. shall be vested. — His
   Powers and Duties — He shall have a Right to advise with the Heads
   of the different Departments as his Council

6. Council of Revision, consisting of the Presid'. S. for for. Affairs, S. of
   War, Heads of the Departments of Treasury and Admiralty or any two
   of them tog. wth the Presid'.

7. The
7. The member of the D. shall each have one vote, and these be paid out of the common treasury.

8. The time of the election of the members of the D. and of the meeting of that in cooperation.

9. To elect, by ballot non-taxing Delegates, - keep a record in each Town similar reports to be submitted, if, according to the regulations of this D. L.

10. Each Town returns its Delegates and a report of the number of votes cast, in such form that it shall have been cast before S.W.D. in cooperation, and received their approbation.

11. The co operatives of S.W.D. in cooperation.
7. The Members of S. & C-H. D. shall each have one Vote, and shall be paid out of the common Treasury.


9. No State to make Treaties — lay interfering Duties — keep a naval or land Force (Militia excepted to be disciplined &C according to the Regulations of the U.S.

10. Each State retains its Rights not expressly delegated — But no Bill of the Legislature of any State shall become a Law till [xxxx] it shall have been laid before S. & H. D. in C. assembled and received their Approbation.

11. The exclusive Powers of S & H. D. in C. assembled

12. The
The 16th day of June, shall be the exclusive Power of regulating Trade and Commerce between each State, and any Exports or Imports of Goods, wares, or merchandise from any foreign Nation.

And of establishing the office.

The 17th day of June, shall be the exclusive Power of establishing that office.

To be done in the said Town or County in the Wee.

And shall appear in the following manner.

They shall have the exclusive Power of declaring what shall be the Sentence of the Judge, and of issuing a writ of habeas corpus, in which case the said Judge shall be bound to the several Courts of the several States in the Commonwealth, and shall have the power to call in the assistance of any of their Judges to be appointed by the Governor.
12. The S. & H. D. in C. ass. shall have the exclusive Power of regulating Trade and levying Imposts — Each State may lay Embargoes in Times of Scarcity

13. of establishing Post-Offices

14. S. & H. D. in C. ass. shall be the last Resort on Appeal in Disputes between two or more States; which Authority shall be exercised in the following Manner &C

15. S. & H.D. in C. ass. shall institute Offices and appoint Officers for the Departments of for. Affairs, War, Treasury and Admiralty —

They shall have the exclusive Power of declaring what shall be Treason & Mispr. of Treason ag't. U.S. — and of instituting a federal Court, to which an Appeal shall be allowed from the judicial Courts of the several States in all Causes wherein Questions shall arise on the Construction of Treaties made by U. S. - or on the Law of Nations — or on the Regulations of U. S. concerning Trade & Revenue — or wherein U. S. shall be a Party — The Court shall consist of Judges to be appointed during good Beha—

—viour
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- vices — 1. Of R. D. in the office of the collector,
sin. Rights of petitioning to each State a Court of Admira-
y, and appointing the Judges of the same for all
matters which may arise hereon respecting

16. Of R. D. in the office of the Collector, the rights of the
money — regulating the duties of duties; fixing the rates
of freight and measures throughout the U.S.

17. Courts to which the appeal of more than a case
shall be made.

18. Appeal in cases to lie by the R. D. before the Court,
and the judge of the circuit judicial Court.

19. Of R. D. in cases shall regulate the measures of the
M. S.

20. Means of enforcing and compelling the payment of the
supra of each State

21. Means and conditions of admitting new States.

22. Power of dividing, annexing, and regulating States
on the consent and petition of such States.
16. S. & H. D. in C. ass. shall have the exclusive Rights of coining Money - regulating its Alloy & Value — fixing the Standard of Weights and Measures throughout U. S.

17. Points in the which the Assent of more than a bare Majority shall be necessary.

18. Impeachments shall be by the H. D. before the Senate and the Judges of the federal judicial Court.

19. S. & H. D. in C. ass. shall regulate the Militia thro' the U. S.

20. Means of enforcing and compelling the Payment of the Quota of each State.


22. Power of dividing annexing and consolidating States on the Consent and Petition of such States.
23. The report of the legislature of the state shall be sufficient to enable future additional income in the state, and shall be for the whole conferancy.

24. The duties of Congress shall be incurred, exalted, included, and the duties thereof reapplied under all these or before done.

25. The said states of N. Y. to guarantee one each other and their rights, locally against all other states and against any amendment. Ys.
23. The Assent of the Legislature of States shall be sufficient to future additional Powers in U.S. in C. ass. and shall bind the whole Confederacy.

234. The Articles of Confederation shall be inviolably observed, and the Union shall be perpetual;
unless altered as before directed

each other and their Rights

25. The said States of N. H. &C guarantee mutually against all other Powers and against all Rebellions &C.
Document IV: Randolph's Sketch of the Constitution

The publication of Madison's Notes in 1840 revealed only two documents relating to the Committee of Detail—the twenty-four referred resolutions and the final, printed report. The entire set of Wilson's drafts and other Committee of Detail documents remained unpublished until Farrand's Records appeared in 1911 and therefore available only to the scholars who viewed the originals. Only two scholars appear to have made use of them before Farrand's edition appeared, William Meigs and John Franklin Jameson.

William Meigs broke new ground in 1899 by tracking down and publishing images of a document in Randolph's hand referred to in Moncure D. Conway's Omitted Chapters of History Disclosed in the Life and Papers of Edmund Randolph in 1888. This document is written on both recto and verso sides of four pages, all roughly measuring 20.2 × 32.5 cm. All pages are preserved with their wrapper, on which is penciled "Paper in handwriting of Edmund Randolph." The document was found by Meigs in the possession of Mrs. St. George Tucker, a descendant of George Mason. She later donated the papers, with Randolph's sketch, to the Library of Congress where it can be found today.

It appears that John Rutledge of South Carolina, the chair of the Committee of Detail, and probably Wilson, who would later use it in preparing his drafts, both made marks to the document. Rutledge made notes and edits in his heavy and roughly legible hand. It was previously thought that the ubiquitous check marks throughout were made by Rutledge, but a close comparison of these check marks to Rutledge's erratic marks on Wilson's final draft suggests a different hand. However, a comparison to several Wilson documents reveals that the check marks are most likely his. In a few places (e.g. on the first manuscript page) somebody has neatly overwritten a single letter or two; in the transcription we have attributed these changes to Rutledge, though they could also arguably be in the handwriting of Randolph.

The document parallels the twenty-four resolutions referred to the Committee of Detail, adding some substantive powers and provisions. It is plainly an early document. Whether it represents committee deliberations or was drafted by Randolph alone is somewhat unclear.

Farrand originally prepared his transcription from the photographic reproduction in Meigs's study; later, in his 1937 fourth volume, he prepared a corrected transcription made from the original document. With special permission from the Library of Congress and for the sake of including all known Committee of Detail documents, we reproduce images of the original and retranscribe the sketch here.

It will be noted from the images that a few letters covered up by binding tape are indiscernible. However, the editors have cross-referenced these images with those reproduced by Meigs in 1899 before binding tape was applied to confirm Farrand's transcription.

Pages 5 and 7 are long and both images and transcripts have been broken into two pages each.

7 Elliot, Debates, 5:375–81.
8 Farrand, Records, 2:129–75.
The draught of a fundamental constitution is things done otherwise.

1. To meet especial necessities only, but the branches of government should be safeguarded by making them forever present and valuable, although to accommodate to times and events.

2. To use simple, and precise language, and general propositions, according to the example of the several constitutions of the federal state, and the constitution of the commonwealth of Massachusetts only differ from that of the latter.

A preamble seems proper, not for the purpose of designating the ends of government and human duties. This being of such a nature, it is not sufficient to display the theory, however proper is the first formation of state government, or useful here, as we are not living in the natural right of this, yet gathered into society, but upon those rights modified by custom and understanding, which we call the rights of nations. Nor is it proper for the purpose of properly showing the faults of the fathers for the observance of the articles. This may be done more fully at the close of the draught as in the constitution. But the object of our preamble may be briefly to demonstrate the operation of the federal government as insufficient to the general happiness; that the consideration of this fact gave birth to the resolution, and that the only efficient remedy which they could devise for curing this insufficiency is the establishment of separate legislative, executive, and judicial departments. Moreover, the draught of the constitution of the federal state, and the constitution of the commonwealth of Massachusetts are fundamentally the same. After this introduction, we proceed to the

This resolution involves three particulars:

1. The establishment of the United States, which may exist.

2. A declaration that the supreme legislative, executive, and judicial shall be established.

3. A declaration that these departments shall be distinct, independent, and independent of each other, except in specified cases.
In the draught of a fundamental constitution, two things deserve attention:

1. To insert essential principles only; lest the operations of government should be clogged by rendering those provisions permanent and unalterable, which ought to be accommodated to times and events: and

2. To use simple and precise language, and general propositions, according to the example of the several constitutions of the several states. For the construction of a constitution necessarily differs from that of law.

1. A preamble seems proper. Not for the purpose of designating ends of government and human policies — This business, if not fitter for the schools, is at least sufficiently exonerated display of theory, howsoever proper in the first formation of state governments, seems unfit here; since we are not working on the natural rights of men not yet gathered into society, but upon those rights, modified by society, and supporting states — Nor yet is it proper for the purpose of mutually pledging the faith of the parties for the observance of the articles — This may be done more solemnly at the close of the draught, as in the confederation — But the object of our preamble ought to be briefly to represent declare, that the present federal government is insufficient to the general happiness; that the conviction of this fact gave birth to this convention; and that the only effectual mode which they could devise, for curing this insufficiency, is the establishment of a supreme legislative executive and judiciary — In this manner we may discharge the first resolution. We may then proceed to the

1st resolution

2nd resolution

2. First This resolution involves three particulars:

Resolution

1. the style of the United States; which may continue as it now is.
2. a declaration that a supreme legislative executive and judiciary shall be established; and
3. a declaration, that these departments shall be distinct, except and independent of each other, except in specified cases.
I. The Legislature

1. It shall consist of two branches,
   (a) a House of Delegates; and
   (b) a Senate,

2. Which together shall be called the Legislative of the United States of America.

The House of Delegates

1. Shall never exceed in number three-quarters of the number of members of the House of Representatives of the United States.

2. Each state shall be represented according to the number of its inhabitants and the value of its property as estimated by the state legislature.

3. The House shall be divided into committees, each of which shall consist of not less than three members and not more than ten members.

4. The qualifications of a delegate shall be:
   (a) the age of 21 years;
   (b) the possession of free soil;
   (c) the ability to read and write.

5. Their duration in office shall be for two years.

6. The delegates shall be elected by the people of each state, and shall be chosen in such a manner as to be free from all influence of any denomination of religion.

7. The House shall be composed of members of both branches, and shall be elected by the people of each state, and shall be chosen in such a manner as to be free from all influence of any denomination of religion.

8. The House shall be composed of members of both branches, and shall be elected by the people of each state, and shall be chosen in such a manner as to be free from all influence of any denomination of religion.

9. The House shall be composed of members of both branches, and shall be elected by the people of each state, and shall be chosen in such a manner as to be free from all influence of any denomination of religion.

10. The House shall be composed of members of both branches, and shall be elected by the people of each state, and shall be chosen in such a manner as to be free from all influence of any denomination of religion.
In the next place, treat of the legislative, judiciary and executive in their order, and afterwards, of the miscellaneous subjects, as they occur; bringing together all the resolutions, belonging to the same and leaving to the last the steps necessary to introduce the government.

The following plan is therefore submitted

I The Legislative

1. shall consist of two branches: viz:
   (a) a house of delegates; and
   (b) a senate;

2. which together shall be called “the legislature of the United States of America.”

3. The house of delegates
   1. shall never be greater in number than
   To effect this, pursue a rule, similar to that prescribed in the 16th. article of the New-York constitution.
   2. Each state shall send delegates, according to the ratio, recommended by congress.
   3. to ascertain this point, let a census be taken, as the national legislature shall direct; within six years from the first meeting of the legislature; and once in every term of ten years thereafter.
   4. the census being taken and returned, the legislature shall apportion the representation:
   5. The qualifications of a delegate shall be the age of twenty five years at least: and citizenship: and any person possessing these qualifications may be elected except:
   6. Their duration in office shall be for two years.
   7. The elections shall be held on the same day through the states: except in case of accidents, and where an adjournment to the succeeding day may be necessary.
   8. The place shall be fixed by the national legislatures from time to time; or on their default by the national legislature:
   9. So shall the presiding officer.
   10. Votes shall be given by ballot, unless 2/3 of the national legislature shall choose to vary the mode.
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[Handwritten text]

- The qualifications of electors shall be the same throughout the state, and the legislature shall be divided into two parts, each with equal number of members.
- The qualifications of electors shall be for one year, and the legislature shall be for the whole of a year, or in other words, for the whole of a session.
- A majority shall be a quorum for the purpose, but a smaller number may be authorized by the house of representatives to decide any question.
- The house of representatives shall have two members, and the house of senators shall have one member.
- The house of representatives shall have two members, and the house of senators shall have one member.
- The house of representatives shall have two members, and the house of senators shall have one member.
- The house of representatives shall have two members, and the house of senators shall have one member.
- The qualifications of electors shall be for one year, and the legislature shall be for the whole of a year.

[Paragraph start]

- The qualifications of electors shall be for one year, and the legislature shall be for the whole of a year.

[Paragraph end]

[Handwritten text continues]
11. The qualification of electors shall be the same throughout the states, viz: legislature shall hereafter direct some uniform qualification to prevail through the states.

Citizenship:

These qualifications mentioned shall be such as shall be justified by the previous residence for one year, or possession of real property within the state for the whole of one year, or enrollment in the militia for the whole of a year.

12. All persons may be elected

✓ 12. A majority shall be a quorum for business; but a smaller number may be authorized by the house to call for and punish nonattending members, and to adjourn for any time not exceeding one week.

13. Quorum: how far expulsion may be proper. The house of delegates shall have power over its own members.

14. The delegates shall be privileged from arrest during their attendance, for so long a time before and after, as may be necessary, for travelling to and from the legislature and they shall have no other privilege whatsoever.

15. Their wages shall be and incapable of holding

✓ 16. They shall be ineligible to offices under the authority of the united states, during the term of service of the house of delegates.

✓ 17. Vacancies shall be supplied by a writ from the speaker or any other person, appointed by the house.

✓ 18. The house shall have power to make rules for its own government.

✓ 19. The house shall not adjourn without the concurrence of the senate for more than one week, nor without such concurrence to any other place, than the one at which they are sitting.

4 (b) The Senate

1. It shall consist of members, each possessing a vote

✓ 2. Each state shall send two members senators using their discretion as to the time and manner of choosing them.

3. The qualification of senators shall be

✓ the age of 25 years at least:

✓ citizenship in the united states:

✓ and property to the amount of

4. Their duration in office shall

✓ They shall be elected for six years and immediately after the first election they shall be divided by lot into four classes, six in each class, and numbered 1, 2, 3: Let. And the seats of the members of the first class shall be vacated at the expiration of the first second year, of the second class at the expiration of the fourth,
4. The majority shall be a quorum for business, but a smaller number may be authorized to call for and hear the receipt of any member, and to adjourn by a simple majority of those present.

5. The Senate shall have power over its own members.

6. The Senators shall be ineligible to and incapable of holding any office under the authority of the United States, during the term for which they are elected, and for one year thereafter.

The first term of the Senators shall begin on the 1st of March following the election of the Senate.

The wages of the Senators shall be determined by the House of Representatives, and shall be equal to the annual average of the price of labor for the same work, and for the same number of days, as the House of Representatives shall be required to perform similar services.

11. The House shall have power to make rules for its own government and the regulation of its proceedings.

12. The Senate shall not be called without the concurrence of the House, and that concurrence shall not be given in the House, or to which they are sitting.
and of the third class at the end of the sixth year, and so on continually, that a third part of the senate may be biennially chosen.

5. A majority shall be a quorum for business: but a smaller number may be authorized to call for and punish nonattending members and to adjourn from day to day any time not exceeding one week.

6. Each senator shall have one vote

67. The senate shall have power over its own members.

personal restraint

78. The senators shall be privileged from arrest during their attendance, and for so long a time before and so long after as may be necessary for travelling to and from the legislature and they shall have no other privileges whatever.

89. The senators shall be ineligible to and incapable of holding any office under the authority of the united states, during the term for which they are elected, and for one year thereafter, except in the instance of those offices, which may be instituted for the better conducting of the business of the senate, while in session.

10. Vacancies

10. The wages of the senators shall be paid out of the treasury of the united states: those wages for the first six years shall be dollars per diem— at the beginning of the sixth year, the supreme judiciary shall cause a special jury of the most respectable merchants and farmers to be summoned to declare what should all have been the averaged value of wheat during the six last six years, in the state, where the legislature may be sitting: And for the six subsequent years, the senators shall receive per diem the averaged value of bushels of wheat.

11. The house shall have power to make rules for its own government

12. The Senate shall not adjourn without the concurrence of the house of delegates for more than one week, 3 days. nor without such concurrence to any place other than that at which they are sitting.
1. The following are the regulations proper, with certain exceptions and
under the following restrictions:

2. For breaches of peace or violence

3. To regulate weights and measures

4. To prevent breaches of peace or violence

5. To fix the hour for hunting and fishing
1. The following are legislative powers; with certain exceptions; and under certain restrictions

2. Other powers for the future, past, & future debts and necessities of the union

agr'd. 1. To raise money by taxation, unlimited as to sum, & to establish rules for collection.

Exceptions

agr'd. [X] No Taxes on exports. — Restrictions ✓ 1. direct taxation proportioned to representation ✓ 2. No headpost capitation — tax [xxxx] which does not apply to all inhabitants under the above limitation — 3. No other tax, which is not common to all. 4. Delinquencies shall be by distress and sale; and offending states bound to inform —

2. 4. To regulate commerce both foreign & domestic & no State to lay a duty on ✓ imports —

Exceptions ✓ 1. no Duty on exports.

ye such ✓ 2. no prohibition on such ^ Importations of ^ inhabitants or People ✓ 3. no duties by way of such prohibition.

Restrictions.

✓ 1. A navigation act shall not be passed, but with the consent of ^ eleven states the like ^ of

in the senate. and [xx] in ^ the house of representatives.

2. Nor shall any other regulation — and this rule shall prevail, wherever the subject shall occur

3. The lawful territory To make treaties of commerce qu: as to senate: Under the foregoing restrictions.

4. To make treaties of peace or alliance qu: as to senate under the foregoing restrictions, and

without the surrender of territory for an equivalent, and in no case, unless a superior title.

✓ 5. To make war: and raise armies. & equip Fleets.

✓ 6. To provide tribunals and punishment for mere offences against the law of nations.

Indian Affairs

to regulate
Weights & Measures

✓ 7. To declare the law of piracy, felonies and captures on the high seas, and captures on land.

✓ 8. To appoint tribunals, inferior to the supreme judiciary.

✓ 9. To adjust upon the plan heretofore used all disputes between the States respecting Territory & Jursd.
<table>
<thead>
<tr>
<th>Article</th>
<th>Description</th>
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<tbody>
<tr>
<td>10.</td>
<td>To regulate coinage</td>
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<td>11.</td>
<td>To regulate naturalization</td>
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<tr>
<td>12.</td>
<td>To execute the laws of the Union, and to suppress internal commotions</td>
</tr>
<tr>
<td>13.</td>
<td>To declare war, and to raise and support armies</td>
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<td>14.</td>
<td>To declare war, and to raise and support armies</td>
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<td>15.</td>
<td>To raise and support armies</td>
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<tr>
<td>16.</td>
<td>To provide and maintain a navy</td>
</tr>
<tr>
<td>17.</td>
<td>To make rules for the regulation of the land and naval forces</td>
</tr>
<tr>
<td>18.</td>
<td>To declare war, and to raise and support armies</td>
</tr>
<tr>
<td>19.</td>
<td>To declare war, and to raise and support armies</td>
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</table>

The exclusive right to make laws for the common defense and for the general welfare of the State. This includes the power to regulate the currency, coinage, and naturalization. It also includes the power to declare war, raise and support armies, and provide and maintain a navy. Additionally, it includes the power to make rules for the regulation of the land and naval forces, and to declare war, raise and support armies, and provide and maintain a navy.
WILLIAM EWALD AND LORIANNE UPDIKE TOLER

July

[Handwritten text]

3. The power vested in the President is

1. To appoint the heads of all executive departments

2. To recommend the legislation

3. To appoint the judges

4. To sign all acts of Congress

[Further handwritten text]
Insert the IIth. Article

All laws of a particular state, repugnant hereto, shall be void: and in the decision therein, which shall be vested in the supreme judiciary, all incidents without which the general principles cannot be satisfied, shall be considered, as involved in the general principle.

That ^ Trials for Criml. Offences be in the State where the Offe was com'd — by Jury — And a right to make all Laws necessary to carry the foregoing Powers into Execu —

2. The powers belonging peculiarly to the representatives are

✓ 3. The powers destined for the senate peculiarly, are

✓ 1. To make treaties of commerce

✓ 2. to make ^ peace & Alliance.

✓ 3. to appoint the judiciary.

✓ 4 to send Embassadors ✓

4. The executive ✓

✓ 8. and to have a qualified negative on legislative acts so as to require repassing by 2/3

✓ ØGovernor of the united People & States of Americas./

+ to be Commander in Chief of the Land &
✓ Naval Forces of the Union & of the Militia of the Sev'l. States.
Ø shall propose to the Legisl. from Time to
✓ Time by Speech or Messrs such Meas as concern this Union

Ø A no Increase or decrease during the Time of Service of the Executive

A
July
8. and to have a qualified negative on legislative acts so as to require repassing by \( \frac{2}{3} \)

by taking an oath of office

9. and shall swear fidelity to the union, as the legislature shall direct.

10. receiving ambassadors 11. commissioning officers. 12. convene legislature

5. The Judiciary

- The President of the Senate
  - to succeed to the Executive
  - in Case of death until the
    - Meeting of the Legislature.

The power of pardoning vested in the Executive

- which shall not however, be pleasurable to an

- Impeachment.

- in disputes between a
  - State & a Citizen or
  - Citizens of another
  - State.

- & in Cases of Admiralty Jurisdiction

But this supreme jurisdiction shall be appellate only, except in those instances, in which the legislature shall make it original: and

the legislature shall organize it.

8. The whole or a part of the jurisdiction aforesaid, according to the discretion of the legislature, may be assigned to the inferior tribunals, as original tribunals.
Miscellaneous provisions

1 ✓ New states soliciting admission into the Union
   1. must be within the present limits of the United States;
   ✓ 2. must lawfully arise; that is
   ✓ States lawfully arising & if within the limits of any of the present States by Consent of the Legislature of those States.

   ✓ 3. shall be admitted only on the suffrage of 2/3 of the house of representatives and the like No. in the Senate.

   ✓ 4. & shall be admitted on the same terms with the original states: but the number of states or votes required on particular measures shall be readjusted.

   ✓ 5. provided always, that the legislature of the admitting state may use their discretion in refusing or rejecting, and may make any condition concerning the old debt of the union at that Time.
2. The governor is to prevent the establishment of any permanent establishment of
1. to protect their territories against internal commotions, and
2. against external invasion.

3. The legislative authority and jurisdiction of the states shall be exercised
4. by one person, or the national legislature shall decide.

5. The legislature shall have the power to make all laws necessary and
6. proper for the government of the state, and to enforce obedience to
7. the laws of the state and of the United States.

8. The governor shall have the power to appoint all civil officers of
9. the state, and to remove the same at his pleasure, and shall have the
10. power to grant pardons and reprieves for all offenses against the
11. state, except in cases of impeachment.

12. The state legislature shall have the power to declare war, to make
13. all alliances, and to conclude treaties with other states, and shall
14. have the power to raise and support armies and to provide and
15. maintain a navy.

16. The governor shall have the power to convene the legislature at any
17. time, and shall have the power to adjourn the same to such time as
18. may be necessary.

19. The governor shall have the power to receive and appoint all
20. officers of the state, and to remove the same at his pleasure.

21. The legislature shall have the power to fix the salaries of all
22. civil officers of the state, and to provide for the support of
23. public schools.

24. The legislature shall have the power to fix the salaries of all
25. civil officers of the state, and to provide for the support of
26. public schools.

27. The legislature shall have the power to fix the salaries of all
28. civil officers of the state, and to provide for the support of
29. public schools.
✓2. The guarantee is
✓1. to prevent the establishment of any government, not republican:
✓2. to protect each state against internal commotion: and
✓3. against external invasion.
✓4. But this guarantee shall not operate without an application from
   the legislature of a state.

§3.
✓3. The legislative executive and judiciaries of the states shall swear fidelity
   to the union, as the national legislature shall direct.

4. The ratification of the reform is (After the approbation of congress) to be made
   ✓ by a special convention, in each State
   ✓ recommended by the assembly
   ✓ to be chosen for the express purpose
   ✓ of considering and approving and rejecting it:
   ✓ and this recommendation may be used from
   ✓ time to time

✓ on appn. of 2/3ds of the State Legislatures to the Natl. Leg. they
call a Convn.

✓ revise & alter the Articles of Union

5. An alteration may be effected in the articles of union, on the
   ✓ application of two thirds of the state legislatures, by a Conv.

6. The plighting of faith ought to be in solemn terms.

Addenda
✓ 1. The assent of the major part of the people of states shall
   give birth operation to this constitution.
✓ 2. Each assenting state shall notify its assent to congress: who shall publish a
day for its commencement, not exceeding assent of the major part
of the assenting states
✓ After such publication, or with the failure thereof, after the expiration of days
from the [x]giving of the assent [x]of the [x]ninth state,
✓ 1. each legislature shall direct the choice of representatives,
   according to the seventh article
   and provide for their support:
✓ 2. Each legislature shall also choose senators; and provide for their support.
✓ 3. they shall meet at the Place & on the day assigned by congress, or as
   the major part of the assenting states shall agree; on any other day.
✓ 4. They shall as soon as may be after meeting elect the executive: and
   proceed to execute this constitution.
The object of an address is to satisfy the people of the propriety of the proposed reform.

In this and the following plan, six, worthy of adoption:

1. To state the general objects of a confederation,
2. To show by general, but pointed observations in what particular respects our confederation has fallen short of those objects,
3. The powers necessary to be given with these, as a consequence of the defects,
4. A question explaining whether these powers can or cannot be vested in congress. The answer is that they cannot.
5. As some states may perfectly mediate that confederations, it would be fit now to reject this opinion briefly.
6. If follows then, that a government of the whole, on national principles, is most eligible.
7. This would lead to a short exposition of the leading particulars in the constitution.
8. This done, conclude in a suitable manner.

This is the shortest scheme, which can be adopted. For it would be wanting to ask for new powers, without assigning some reason (it matters not how general reason) which may apply to all of them. Besides we ought to furnish the advocate in the country with some points. Now I conceive, that these heads do not more than cover the several points.
The object of an address is to satisfy the people of the propriety of the proposed reform.

To this end the following plan seems worthy of adoption

1. To state the general objects of a confederation.
2. To shew by general, but pointed observations, in what respects, our confederation has fallen short of those objects.
3. The powers, necessary to be given, will then follow as a consequence of the defects.
4. A question next arises, whether these powers can be vested in congress. The answer is, that they cannot.
5. As some states may possibly meditate partial confederations, it would be fit now to refute this opinion briefly.
6. It follows then, that a government of the whole on national principles, with respect to taxation &c is most eligible.
7. This would lead to a short exposition of the leading particulars in the constitution.
8. This done, conclude in a suitable manner.

This is the shortest scheme, which can be adopted. For it would be strange to ask for new powers, without assigning some reason (it matters not how general soever) which may apply to all of them. Besides we ought to furnish the advocates in the country with some general topics. Now I conceive, that these heads do not more, than comprehend the necessary points.
Document V:
“Beginning of a Draft with an Outline of the Continuation”

From the point of view of editorial method, this “document” is the most curious in Farrand’s sequence. In a footnote, Farrand describes it as: “Document V in Wilson’s handwriting as found among the Wilson Papers. It appears to be the beginning of a draft with an outline of the continuation.” The first part of “Document V” includes a rough draft of the preamble (including, for the first time, the words “We the People”) and two provisions on representation. This beginning is then followed by a terse outline of the Constitution’s substantive remainder, which is broken up into three short sections subtitled “The Continuation of the Scheme,” “Miscellaneous Resolutions,” and “to be added.”

Farrand does not remark that the two parts of Document V are found on two very different sheets of paper. The first is written in the corner of a folio sheet, measuring 23.75 × 38.5 cm; that sheet has been folded in half to make a signature of four pages. Wilson appears to have begun by writing the first part of Document V on what was then the “front page” of this four-page signature—then, later, he turned the signature upside down in order to continue writing a more complete rough draft (“Document VIII” in Farrand’s numeration). So if one is looking at Document VIII, below, the first portion of Document V appears upside down on the final page. The second part of Document V, however—the outline beginning “The Continuation of the Scheme”—is written on both recto and verso sides of a smaller, 31 × 20 cm sheet of paper of a different make. Curiously, this paper was roughly the same size as Randolph’s sketch, likely in Wilson’s possession at the writing of Document V.

Not only do the two parts of Document V appear on two separate sheets of paper of different size, but the two sheets are found in different parts of the Wilson archive. The first part is today included within the boxes labeled “Wilson’s First Draft of the Constitution,” and at the time Farrand prepared his Records, it was bound as part of volume 1 of Wilson’s papers. Today, as in Farrand’s day, the second, or outlined portion, is document 63 of volume 2.

What is of interest here is Farrand’s editorial procedure. He evidently worked his way carefully through the two volumes, noticed that the “Continuation” fragment fit naturally with the first part of Document V, and, without remarking the fact, combined the two pages to make a single, continuous document. And indeed, because of the vagaries of the binding process, it is entirely possible that the two sheets, originally contiguous when they arrived at the Historical Society, were later separated when the other Committee of Detail documents were bound into volume 1, document 63 remaining with documents nearer its size in volume 2. Farrand was undoubtedly correct not to be governed by the ordering of the bound volumes; correct also that the “Continuation” fragment belongs to the work of the Committee of Detail; and correct that it fits more naturally with the first part of Document V than with any other surviving text among Wilson’s papers. In the end, Document V is little more than an abruptly halted rough start followed by a terse structural outline, or a list of topics to be treated. However, a modern editor would be expected to note that the document’s two pages were different enough to result in their physical separation into distinct volumes within Wilson’s papers.

12 The second portion of Document V was, until recently, housed in the box for volume 2, but has been removed, along with companion documents from the same folder, and placed within the “draft” boxes for safekeeping in a special, more-secured vault within the Historical Society.
already confederated united and known by the Stile of the United States of America".

We, ^The People of the States of New Hampshire &C ^ do agree upon, declare, ^ and establish the following Frame of Gov't as the Frame of Government as the Constitution of the "United States of America" according to which we and our Posterity shall be governed under the Name and Stile of the "United States of America" of the said United States.

1. The legislative Power of the United States shall be vested in two Branches, a Senate and a House of ^ Bodies, each of which shall have a Negative on the other.

2. The Members of the House of Representatives shall be chosen Biennially by the People of the United States in the following Manner. Every Freeman of the Age of twenty one Years, having resided in the United States for the Space of one whole Year immediately preceding the Day of Election, and has a Freehold Estate in at least fifty acres of Land.

[The bottom of this page is transcribed as the last portion of Document VIII.]
The continuation of the scheme

1. To beat of the drum of the legislature.

2. To exempt from three years certain express laws.

3. To render in certain cases a greater sum, for than a property company.

4. To apply to the Pope any Roman papal, only belonging to it.

5. To apply, in some manner, to such public, with property be written on it.

6. To hired of the Executive.

7. — of the judiciary.

8. Main reason, resolution.

1. Demise of new state.

2. The granting to each state.

3. The obligation to support the act of Maine.

4. The resumption of resolution.

5. The manner of alteration.

6. The making of principal fault.

To be added.
The Continuation of the Scheme

1. To treat of the Powers of the legisla[ture/tive?]
2. [x] To except from those Powers certain specified Cases
3. To render in certain Cases a greater Number than a Majority necessary
4. To assign to H. Repr — any Powers peculiarly belonging to it
5. To assign, in same Manner, Powers which may, with Propriety be vested in it.
6. To treat of the Executive
7. _______ of the Judiciary

Miscellaneous Resolutions

1. Admission of new States
2. The Guaranty to each State
3. The Obligation to support the Art. of Union
4. The Manner of Ratification
5. The Manner of Alteration.
6. The Plighting of mutual Faith

To be added
To be added:

1. How many days will be necessary to agree to the plan.

2. What day shall be appointed for the States to join in union.

3. Is there any thing about the said Union, the amendment by the States.

4. As to the subdivision of the Government.
To be added

1. How many States will be necessary to assent to this Plan

2. What Day shall be appointed for the States to give an Answer

3. Qu. whether any Thing should be said as to the Amendment by the States

4. As to the Introduction of the Government
Document VI: 
Wilson’s Rough Draft, Part I

The next document, like the last, is fragmented, and begins “We the People.” It is composed of two folio sheets 38.5 × 47.5 cm, each folded in half to create a signature of four pages. However, the original document (as Jameson already observed) probably was composed of three such sheets. We know this because a large section of the Constitution’s outline articulated in “Continuation of the Scheme” is missing, including any information about the executive and judiciary. Additionally, the second folio sheet starts in the middle of a sentence, in the middle of a word; and the first sheet is labeled (in Wilson’s hand) “1” while the second is labeled “3.”

Farrand tells us that a smaller single sheet was “placed” between the two extant folio sheets. On this sheet are found extracts from the Pinckney and New Jersey plans. Jameson surmises that they perhaps were included here because they contained provisions that the missing sheet would have included, i.e. powers and jurisdictions of the executive and judicial branches.13

In other words, Wilson’s first substantial draft consists of three Farrand documents: Document VI (the first four-page folio sheet); Document VII (the New Jersey and Pinckney extracts); and Document VIII (the final folio sheet).

The initial sheet of this, Wilson’s first substantive draft, was bound first in volume 1.14 It appears first in the facsimile copies of volume 1 made by the Historical Society in 1972 and currently is boxed and matted as part of the documents labeled “James Wilson’s First Draft of the Constitution.” It contains provisions detailing the manner of electing representatives, taxation powers, a first rough draft of the infamous three-fifths clause, the taking of censuses, and many other provisions that approximately parallel sections 1–7 and a few powers contained in section 8, Article I of the Constitution.

13 See Early Drafts of the U.S. Constitution, supra note 3; Jameson, Studies, 128.
14 Ibid.
The people of this State, being a free and independent people, do, for themselves and their posterity, ordain and establish this Constitution for the government thereof.

The state of this government shall be the United States of America.

The government shall consist of three branches, namely:

1. The Legislative Branch, which shall be composed of a Congress, to consist of a Senate and House of Representatives.

2. The Executive Branch, which shall be composed of a President and Vice President.

3. The Judicial Branch, which shall be composed of a Supreme Court and such inferior courts as may be necessary for the administration of justice.

The Constitution shall be the supreme law of the land, and all other laws shall be made in pursuance thereof. The judicial powers of the United States shall be vested in a Supreme Court and such inferior courts as the Congress shall from time to time ordain and establish.

1. The Style of this Government shall be the “United People and States of America.”

2. The Government shall consist of supreme legislative, executive and judicial Powers.

3. The Supreme legislative Power shall be vested in a Congress to consist of two separate and distinct Bodies of Men, one to be called the House of Representatives, and the other to be called the Senate of each of which shall have a Negative on the other in all Cases not otherwise provided for in this Constitution.

4. The Members of the House of Representatives shall be chosen every second Year in the Manner comprehended within this Union following by the People of the several States. The Time and Place and the of holding the Elections, and the Rules shall be appointed by the Legislatures concerning them of the several States; but these Provisions which they shall make concerning them and shall be subject to may, at any Time be altered and superseded by the Control of the Legislature of the United States.

No Person shall be capable of being chosen Every Member of the House of Representatives of the Age of twenty five Years shall be at least twenty five Years of Age, shall have been a Citizen in the United States for at least three Years before his Election, and shall
^ and until the Number of Citizens and Inhabitants shall be taken in the Manner hereinafter described shall be, at the Time of his Election, a Resident of the State, from which he shall be chosen.

The House of Representatives shall, at its first Formation consist of 65 Members, of whom three shall be chosen in New-Hampshire, eight in Massachusetts &C. As the present Proportions of Numbers in the different States will alter from Time to Time; as some of the States may be hereafter divided; as others may be enlarged by Addition of Territory, or two or more States may be united; and as new States will be erected within the Limits of the United States; the Legislature shall, in each of these Cases, possess Authority to regulate the Number of Representatives according to the Provisions herein after made.

Direct Taxation Representation shall always be in Proportion to direct Taxation.

In order to ascertain and regulate the Proportions of direct Taxation from Time to Time, the Legislature of the United States shall, within six Years after its first Meeting and within the Term of every ten Years afterwards, cause The Proportions of direct Taxation shall be regulated by the whole Number of white and other Free Citizens and Inhabitants of every &C. which Number shall be taken within six Years after the first Meeting of the legislature of the United States, and within the Term of every ten Years afterwards, be taken in such Manner as the said Legislature shall direct and appoint.

From the first Meeting of the Legislature until the Number of Citizens and Inhabitants shall be taken in as aforesaid the Manner before mentioned, direct Taxation shall be in Proportion to the Number of Inhabitants chosen in each State.

All Bills for raising or appro
The House of Representatives shall chuse its own Speaker, and other Officers

The Members of the Senate shall be chosen by the Legislatures of the several States; each of which shall chuse two Members. The votes from each State shall not be given by States, but by the Members separately. Each Member shall have one Vote for six Years; provided that immediately after the first Election, they Members of the Senate shall be divided by Lot into three Classes as nearly as may be, and 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 End of the sixth Year, and so on continually, that a third Part of the Members of the Senate may be biennially chosen every second Year of the Age of thirty Years.

Every Member of the Senate shall be at least thirty Years of Age, shall have been a Citizen in 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

The Senate shall be empowered to make Treaties of Peace, of Alliance, and of Commerce, to send Ambassadors, and to appoint the Judges of the Supreme, national Court.
WILLIAM EWALD AND LORIANNE UPDIKE TOLER

July

The legislature shall make no law abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The legislature shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The legislature shall make no law impairing the obligation of contracts.

The legislature shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The legislature shall make no law impairing the obligation of contracts.

The legislature shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The legislature shall make no law impairing the obligation of contracts.
Each House of the Legislature shall possess the right of originating Bills, except in the Cases beforementioned.

The Senate shall choose its own President and other Officers.

The Members of each House shall be ineligible to and incapable of holding any Office under the Authority of the United States during the Time for which they shall be respectively elected; And the Members of the Senate shall be ineligible to and incapable of holding any such office for one Year afterwards.

The Style of the Laws of the United States shall be "be it enacted and it is hereby enacted by the House of Representatives, and by the Senate of the United States in Congress assembled.

The Members of each House shall receive a Compensation for their Services, to be paid ascertained and paid by the State in which they shall be chosen.

The House of Representatives and the Senate when it shall be acting in a legislative Capacity *Each House shall keep a Journal of its Proceedings, and shall, from Time to Time publish them, except such Parts, as in their Judgment require Secrecy; And the Yeas and Nays of the Members of each House on any Questions shall be entered on the Journal at the Desire of any Member.

Freedom of Speech

be applied to the Senate only in its legislative Capacity.

The Members of each House shall, in all Cases, except Treason, Felony & Breach of the Peace, be privileged from Arrest during their Attendance at Congress, and in going to and returning from it.
Document VII:
Excerpts from the New Jersey and Pinckney Plans

The next document published by Farrand is what Jameson determined to be excerpts of the New Jersey and Pinckney plans. It is one half-folio page, 23.75 × 38.5 cm, with writing on both sides. It was originally placed second in the order of binding, third in the 1972 facsimile (likely the result of researcher shuffling), and is currently boxed and matted at the Historical Society of Pennsylvania with those documents labeled “James Wilson’s First Draft of the Constitution.”

The significance of this document was established by Jameson. It shows that while these plans, particularly the Pinckney Plan, were not discussed in convention, they were used extensively by Wilson and the Committee of Detail in creating the drafts of the Constitution. As Jameson says, “The discovery of these documents shows that referring the New Jersey and Pinckney plans to the Committee of Detail was not, as has generally been assumed, a mere smothering of them. They were used.” Jameson later recounts that up to twenty provisions of the Pinckney plan were used in the Committee of Detail’s report and ultimately incorporated into the Constitution.

In the text below, the New Jersey extracts come first; the Pinckney extracts commence with the paragraph, “The Legislature shall consist of . . .”

---

15 Jameson, Studies, 128–32.
17 Jameson, Studies, 131.
18 Ibid., 132, 151–56.
The powers of the Congress shall be exclusive in all cases whatever, in all cases, and under all circumstances, including the following:

1. To raise and support armies.
2. To provide and maintain a navy.
3. To make rules for the government and regulation of the land and naval forces.
4. To provide for organizing, arming, and disciplining the militia, and for their appointment in circumstances of peace, to be employed in the service of the United States in cases of invasion or other dangers to the security of the nation.
5. To enact laws necessary to carry out the provisions of the Constitution.

The Congress shall have the power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof.
An Appeal for the Correction of all Errors both in Law and Fact

That the United States in Congress be authorised — to pass Acts for raising a Revenues, by levying Duties on all Goods and Merchandise of foreign Growth or Manufacture imported into any Part of the United States — by Stamps on Paper Vellum or Parchment — and by a Postage on all Letters and Packages passing through the general Post-Office, to be applied to such federal Purposes as they shall deem proper and expedient — to make Rules and Regulations for the Collection thereof — to pass Acts for the Regulation of Trade and Commerce as well with foreign Nations as with each other

That the Executive direct all military Operations

That the Judiciary have Authority to hear and determine all Impeachments of federal Officers; and, by Way of Appeal, in all Cases touching the Rights of Ambassadors — in all Cases of Capture from an Enemy — in all Cases of Piracies and Felonies on the high Seas — in all Cases in which Foreigners may be interested in the Construction of any Treaty, or which may arise on any Act for regulating Trade or collecting Revenue

If any State, or any Body of Men in any State shall oppose or prevent the carrying into Execution the Acts or Treaties of the United States; the Executive shall be authorised to enforce and compel Obedience by calling forth the Powers of the United States.

That the Rule for Naturalization ought to be same in every State

The Legislature shall consist of two distinct Branches — a Senate and a House of Delegates, each of which shall have a Negative on the other, and shall be stiled the U. S. in Congress assembled.

Each House shall appoint its own Speaker and other Officers, and settle its own Rules of Proceeding; but neither the Senate nor H. D. shall have the Power to adjourn for more than Days, without the Consent of both.

There shall be a President, in whom the Ex. Authority of the U. S. shall be vested. It shall be his Duty to inform the Legislature of
The legislature of the State shall have the exclusive power of regulating the laws of the State, and of approving the laws of the same State, as well as the laws of the United States, in all cases where the same shall be in force and effect. The legislature of the State shall have the exclusive power of regulating the laws of the State, and of approving the laws of the United States, in all cases where the same shall be in force and effect.
of the Condition of U.S. so far as may respect his Department — to recommend Matters to their Consideration — to correspond with the Executives of the several States — to attend to the Execution of the Laws of the U.S. — to transact Affairs with the Officers of Government, civil and military — to expedite all such Measures as may be resolved on by the Legislature — to inspect the Departments of foreign Affairs — War — Treasury — Admiralty — to reside where the Legislature shall sit — to commission all Officers, and keep the Great Seal of U.S. — He shall, by Virtue of his Office, be Commander in Chief of the Land Forces of U. S. and Admiral of their Navy — He shall have Power to convene the Legislature on extraordinary Occasions — to prorogue them, provided such Prorogation shall not exceed Days in the Space of any — He may suspend Officers, civil and military

The Legislature of U. S. shall have the exclusive Power — of raising a military Land. Force — of equipping a Navy — of rating and causing public Taxes to be levied — of regulating the Trade of the several States as well with foreign Nations as with each other — of levying Duties upon Imports and Exports — of establishing Post-Offices, and raising a Revenue from them — of regulating Indian Affairs — of coining Money — fixing the Standard of Weights and Measures — of determining in what Species of Money the public Treasury shall be supplied

The federal judicial Court shall try Officers of the U. S. for all Crimes &C. in their Offices — and to this Court an Appeal shall be allowed from the Courts of

The Legislature of U. S. shall have the exclusive Right of instituting in each State a Court of Admiralty for hearing and determining maritime Causes.

The Power of impeaching shall be vested in the H. D. — The Senators and Judges of the foederal Court, be a Court for trying Impeachments

The Legislature of U. S. shall possess the exclusive Right of establishing the Government and Discipline of the Militia of — and of ordering the Militia of any State to any Place within U. S.
Document VIII:  
Wilson’s Rough Draft, Part II

This document is on the same large, folio sheet as the first portion of Document V. It begins “mitted on the same Terms with the original States,” catching the author mid-way through a provision regulating the admission of new states. It is labeled “3” by Wilson. It treats the topics mentioned in the “Miscellaneous Resolutions” and “to be added” sections of the second part of Document V, roughly paralleling Articles IV–VII of the Constitution. It also includes a provision on convening Congress, rough drafts of the presentment veto, veto-override clauses, and provisions (derived from the Articles of Confederation) stipulating a complex procedure for arbitrating disputes between states and another shorter provision providing the Senate with power to decide land disputes.

As explained above, the first portion of Document V, including the initial appearance of “We the People,” appears upside down on the last page of Document VIII.

Document VIII appeared third in the bound version of volume 1, second in the 1972 facsimile version (with pages 2 and 3 in inverse order), and is currently contained in the matted and boxed collection of documents labeled “James Wilson’s First Draft of the Constitution.”

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WILLIAM EWALD AND LORIANNE UPDIKE TOLER
mitted on the same Terms with the original States: But the Legislature may make Conditions with the new States concerning public

with Respect to the then subsisting Debt of the United States which shall be then subsisting.

The United States shall guaranty to each State a Republican Form of Government shall be guarantied to each State by the United States; and the shall protect each foreign Invasions State from against domestic Violence and, on the Application of its Legislature from foreign Invasions.

against domestic Violence

This Constitution ought to be amended whenever such Amendment shall become necessary; and, on the Application of the Legislatures of two thirds of the States in the Union, the Legislature of the United States shall call a Convention for that Purpose.

The Members of the Legislature, and the executive and judicial Officers of the United States and of the several States shall be bound by Oath to support this Constitution.

Resolved That the Constitution proposed by this Convention, to the People and States of the United for their be [as] laid,

Approbation should, as [soon?] as may be [laid] before the United State[s?] in Congress assembled for their Agreement and Recommendation, be and [should?] afterwards be submitted to a Convention chosen in each State under the Recommendation of its Legislature, in order to receive the Ratification of such Convention

Resolved
WILLIAM EWALD AND LORIANNE UPDIKE TOLER

July
Resolved That the Ratification of the Conventions of States shall be sufficient for organizing this Convention: That each assenting State and Ratification shall notify its Assent to the United States in Congress assembled: That the United States in Congress assembled, after receiving the Assent and Ratification of the Conventions of States shall appoint and publish a Day, as early as may be, and appoint a Place for organizing and commencing Proceedings under this Constitution: That after such Publication, or (in Case it shall not be made) after the Expiration of Days after from the Time when the Ratification of the Convention of the State shall have been notified to Congress the Legislatures of the several States shall elect Members of the Senate, and direct the Election of Members of the House of Representatives, and shall provide for their Support: That the Members of the Legislature shall meet at the Time and Place assigned by Congress or (if Congress shall have assigned no Time and Place) at such Time and Place as have shall been agreed on by the Majority of the Members elected for each House, and shall as soon as may be after their President Meeting chuse the Governor of the United States, and proceed to carry execute this Constitution
The Legislature of the United States shall have Authority In all Disputes and Controversies now subsisting, or that may hereafter subsist between two or more States, the Senate shall possess the following Powers. Whenever the Legislature, or the Executive Authority, or the lawful Agent of any State in Controversy with another shall present a Petition to the Senate, state the Matter in Question, and apply for a Hearing, Notice of such Memorial and Application shall be given by Order of the Senate to the Legislature or the Executive Authority of the other State in Controversy. A Day The Senate shall also assign a Day for the Appearance of the Parties by their Agents before the House. The Agents shall be directed to appoint by joint Consent Commissioners or Judges to constitute a Court for hearing and determining the Matter in Question. But if the three Persons Agents cannot agree, the Senate shall name out of each of the several States, and from the List of such Persons each Party shall alternately strike out one (the Party who shall have applied for a Hearing beginning) until the Number shall be reduced to thirteen; and from that Number not less than seven, nor more than nine Names, as the Senate shall direct, shall, in their Presence, be drawn out by lot; and the Persons, whose Names shall be so drawn, or any five of them, shall be Commissioners or Judges to hear and finally determine the Controversy, provided a major Part of the Judges, who shall hear the Cause, agree in the Determination. If either Party shall neglect to attend at the Day assigned, without shewing to the Senate sufficient Reasons for not attending, or, being present, shall refuse to strike, the Senate shall proceed to nominate three Persons out of each State, and the President of the Senate shall strike in Behalf of the Party absent or refusing. If any of the Parties shall refuse to submit to the Authority of such Court, or shall not appear to prosecute or defend their
their Claim or Cause; the Court shall nevertheless proceed to pronounce Sentence or Judgment. The Sentence or Judgment of the Court, appointed in the Manner before presented, shall be final and conclusive. The Proceedings shall be transmitted to the Governor of the United States, and shall be lodged among the public Records for the Security of the Parties concerned. Every Judge shall, before he sits in Judgment, take an Oath, to be administered by one of the Judges of the Supreme or Superior Court of the State, where the Cause shall be tried, “well and truly to hear and determine the Matter in Question, according [to the?] best of his Judgment, without Favour, Affection or Hope of Reward.”

All Controversies concerning Lands claimed under different Grants of two or more States, whose Jurisdictions, as they respect such Lands, shall have been decided or adjusted subsequent to such Grants, shall, on Application to the Senate, be finally determined, as near as may be, in the same Manner as is before prescribed for deciding Controversies between different States.

[The bottom of this page is transcribed as the first portion of Document V.]
Document IX:
Wilson’s Final Draft

This document, the last of Farrand’s collection of Committee of Detail documents, is the longest and most complete of all Wilson’s notes and drafts. It, too, is composed on large, 38.5 × 47.5 cm sheets, folded in half to create a signature of four pages. There are six such signatures, comprising twenty-two written pages. As is Wilson’s common custom (and a method employed in almost all of the previous documents reprinted herein), he has created two columns. The bulk of the writing is on the right column, the left kept open for later notes. At points in this document, this column is heavily filled with notes and annotations. This is the first document in Wilson’s hand that contains the handwriting of another delegate, committee chair John Rutledge. The hand and ink are heavier and less legible. Rutledge makes a few check marks throughout the document, but, unlike those found in Randolph’s sketch, these are erratic and irregular. He also makes fifty-nine edits throughout, mostly small and often technical in nature.

Document IX begins with a third “We the People” preamble, which is little-changed from that contained in Document V (all are missing the great substance later added by Gouverneur Morris in the Committee of Style). The sequence of the document’s remainder roughly parallels the entirety of the Constitution and again contains the lengthy insertions regarding senatorial arbitration of state and land claims from the Articles of Confederation.

Wilson’s final draft in the original binding is not discussed in detail by Jameson, since it is almost identical to the printed version of the Committee’s report, distributed to the convention when it reconvened on August 6. This draft appears fifth in the 1972 facsimiles labeled (together with the Pinckney Plan outline) as “James Wilson Papers, Second Draft of the Constitution.” 20 It is currently filed with the Pinckney Plan in matted and boxed folios under that heading. 21

We the People of the States of New Hampshire, Massachusetts, Rhode Island, Delaware, and the Lower Counties of the Province of Pennsylvania, Maryland, Virginia, North Carolina, South Carolina and Georgia, do ordain and establish the following Constitution for the Government of ourselves and of one another.

1. The State of this Government shall be "The United States of America."

2. The Government shall consist of executive, legislative, and judicial branches.

3. The legislative power shall be vested in a Congress to consist of two equal and distinct branches of which the House of Representatives, and a Senate, each of which shall be elected for a term of years.

4. The Members of the House of Representatives shall be chosen every second term.
We the People of the States of New-Hampshire, Massachusetts, Rhode-Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North. Carolina, South. Carolina and Georgia do ordain, declare and establish the following Constitution for the Government of ourselves and of our Posterity.

1. The Stile of this Government shall be "the United State[s] of America."

2. The Government shall consist of supreme legislative, executive and judicial Powers.

3. The legislative Power shall be vested in a Congress to consist of two separate and distinct Bodies of Men, a House of Representatives, and a Senate; each of which shall, in all Cases, have a Negative on the other.

4. The Members of the House of Representatives shall be chosen every second
second year, by the House of the com-
plex States comprehended within
this Union. The qualifications
of the Electors, at least, be prescribed
by the legislatures of the several
States, but those involving
the holding of an elective
office was approved by the leg-
sislature of the United States.
Every Senator of the Senate be
presumably, shall be of the age of
twenty-five years at least; shall
have been a citizen in 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.
The House of Representatives shall
at its first meeting, and until the
present House of Representatives
shall have been in session, be formed
of the whole number of members of
every State, of which three shall be
chosen in New Hampshire, eight
in New Jersey, and nine in New
York, seven in New Jersey, eight
in Pennsylvania, seven in Delaware,
six in Maryland, ten in Virginia,
six in North Carolina, five in
South
second Year, by the People of the several States comprehended within this Union. The Qualifications of the Electors shall be prescribed by the Legislatures of the several States, but their Provisions concerning them may, at any Time, be altered and superseded by the Legislature of the United States.

Every Member of the House of Representatives shall be of the Age of twenty five Years at least; shall have been a Citizen in 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.

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
South Carolina and those of Georgia.
As the proportion of Numbers in the different States will differ from that to them as some of the States may be larger, or more persons, or others, may be smaller by Addition of Territory, so be or more States, or the States may be smaller, and as more States will be created since the limits of the United States, the Population shall, on each of the houses, be proportionate to their Numbers of Electors. The number of Representatives shall be the number of Electors according to the Censuses hereafter made.

All Bills for raising moneys shall originate in the House of Representatives, and shall not be sent back or amended by the Senate. All Bills shall be drawn from the public Treasury, but no Taxation of any Description shall originate in the House of Representatives.

The House of Representatives shall be the sole Judges of the Election, Impeachment, and other Proceedings of the Executive Government.
South-Carolina and three in Georgia.

As the Proportions of Numbers in the different States will alter from Time to Time; as some of the States may be hereafter divided; as others may be enlarged by Addition of Territory; as two or more States may be united; and as new States will be erected within the Limits of the United States; the Legislature shall, in each of these Cases, possess Authority to regulate the Number of Representatives by the Number of Inhabitants, according to the Provisions hereinafter made.

All Bills for raising or appropriating Money, and for fixing the Salaries of the Officers of 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.

The House of Representatives shall be the grand Inquest of the Nation; have the Sole Power of and all Impeachments shall be made by them.

Vacancies
the House of Representations shall be assisted by one of the most
powerful, nor by any of the States, or the Representation of which they shall happen.

The House of Representation shall choose its Speaker, and the Officers

5.
The Senate of the United States shall be chosen by the Legislature of the several States. Each Legislature shall choose two Members. Each Member shall have one Vote.

The Senate shall be chosen for six years; but immediately after the first Election, they shall be elected by Lot into their places, as nearly as may be, in the Session of the first Congress. If two Members from one State shall be chosen at the same time, the Senate shall determine which of them shall be elected. The Term of the Senate of the United States shall commence at the Expiration of the second Year of the first Congress. The Term of the Senate of the United States shall commence at the Expiration of the fourth Year of the second Congress, and the Term of the Senate of the United States shall commence at the Expiration of the sixth Year of the fourth Congress, and every subsequent Term of three Years of the Senate of the United States may be chosen every second Year.

Every Member of the Senate shall be of the Age of twenty-one Years at least, and shall have been a Citizen in the State.
Vacancies in the House of Representatives shall be supplied by Writs of Election from the Executive Authority of the State, in the Representation, which they shall happen.

The House of Representatives shall choose its Speaker and other Officers.

5.

The Senate of the United States shall be chosen by the Legislatures of the several States. Each Legislature shall choose two Members. Each Member shall have one Vote.

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, and so on continually, that a third Part of the Members of the Senate may be chosen every second Year.

Every Member of the Senate shall be of the Age of thirty Years at least, shall have been a Citizen in the Unit
Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy.

The Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The Congress shall make no law impairing the obligation of contracts, or disturbing the peace of the Union.

The Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The Congress shall make no law impairing the obligation of contracts, or disturbing the peace of the Union.
2

- ed 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.

The Senate shall [be empowered and shall] choose its own President and other Officers

6.

Each House of the Legislature shall possess the Right of originating Bills, except in the Cases beforementioned.

The Times and Places and the 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 [or?] superseded by the Legislature of the United States.

The Legislature of the United States shall have Authority to establish such Qualifications of the Members of each House, with Regard to Property, as to the said Legislature shall seem proper and expedient.

In each House a Majority of the Members shall constitute a Quorum to do Business; but a smaller Number may adjourn from Day to Day.

Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members.

The
Jury of Peace and Deputy in the Legislature, State not to
act as justices on any Court or Board of the Legislature,
and the Members of each House
be in all cases, except treason
and Breach of the Peace, be
privileged from arrest during their
Attendance at Congress, and on
going to and returning from it.

Each House may determine the Rules of its own
proceedings, except in matters of
Privilege, or in the case of a Member
being absent without leave.

The House of Representatives, and the Senate, when it shall be acting in
a Legislative capacity,
shall be in all cases a Court of law,
and shall have the power to issue
for the discovery, and return of
witnesses, and such other process
as may be necessary.

No person shall be a Member of Congress
who shall have, directly or indirectly, given
or received any present, emolument, or other
bounty or thing of value, from any person
other than the United States, in
Consideration of any Office, Place, or Post of
Trust or Profit, under the same, which
shall have been appointed by Congress, or
which shall have been given or recevived,
or which shall have been voted by
Congress, except such Office, Place, or Post
of Trust or Profit, as may be under
their appointment, or which shall have been
voted by Congress, or which shall have been
received by the United States, or which shall have been
voted by Congress, or which shall have been
received by the United States.
Freedom of Speech and Debate in the Legislature shall not be impeached or questioned in any Court or Place out of the Legislature; and

The Members of each House shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at Congress, and in going to and returning from it.

Each House shall have Authority to determine the Rules of its Proceedings, may

and to punish its own Members for disorderly Behaviour.

and

Each House may expel a Member, but not a second Time for the same Offence.

The Members of each House shall be ineligible to, and incapable of holding any Office under the Authority of the United States during
-ing the Time, for which they shall be respectively elected: And the Members of the Senate shall be ineligible to, and incapable of holding any such Office for one Year afterwards.

The Members of each House shall receive a Compensation for their Services, to be ascertained and paid by the State, in which they shall be chosen.

The enacting Stile of the Laws of the United States shall be “be it enacted and it is hereby enacted by the House of Representatives, and by the Senate of the United States in Congress assembled.”

Each House shall possess the Right of originating Bills, except in the Cases beforementioned.

7.

Every Bill, which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the Governor of the United States for his Revision: If, upon such Revision, he approve of it; he shall signify his Approbation by signing it: But if, upon such Rev

-sion,
...
-sion, it shall appear to him improper for being passed into a Law; he shall return it, together with his Objections against it, to that House, in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider the Bill. But if after such Reconsideration, two thirds of that House shall, notwithstanding the Objections of the Governor, agree to pass it; it shall, together with his Objections, be sent to the other House, by which it shall likewise be reconsidered, and, if approved by two thirds of the other House also; it shall be a Law. But in all such Cases, the Votes of both Houses shall be determined by Yeas and Nays; and the Names of the Persons voting for or against the Bill shall be entered in the Journal of each House respectively.

If any Bill shall not be returned by the Governor with in seven Days after it shall have been presented to him; it shall be a Law, unless the Legislature, by their Adjournment, prevent
The legislature of the United States shall have the power to determine the laws of national reception to be laid and collected taxes, duties, imposts, and excises, to regulate commerce with foreign Nations, to coin Money, to regulate the Value thereof, to fix the standard of Weights and Measures; to establish post-Offices and post Roads; to provide for the common defense, to raise and support armies, to provide and maintain a Navy, to make rules concerning captures on land or water, to declare the Law and punishment of Treason, and the Law or punishment of counterfeiting the currency. Mor—
3

prevent its Return; in which Case it
shall be returned on the first Day of the
next Meeting of the Legislature.

8

The Legislature of the United
States shall have the Right and Power
to lay and collect Taxes, Duties,
Imposts and Excises; to regulate
Naturalization and Commerce; to coin
Money; to regulate the Alloy and Value of
Coin; to fix the Standard of Weights
and Measures; to establish Post-
Offices; to borrow Money, and emit
Bills on the Credit of the United
States; to appoint a Treasurer by Ballot;
to constitute Tribunals inferior to the
supreme national Court; to make Rules
concerning Captures on Land or
Water; to declare the Law and
Punishment of Piracies and Felonies
committed on the high Seas, and the
Punishment of counterfeiting Coin,
and of Offences against the Law of Na-
tions;
340 WILLIAM EWALD AND LORIANNE UPDIKE TOLER July
Not to work Corruption of Blood or Forfeit, except during the Life of the party.

& of Treason agst the U:S or any of them &C

to declare what shall be Treason against the United States; to regulate the Discipline of the Militia of the several States; to subdue a Rebellion in any State, on the Application of its Legislature; to make War; to raise Armies; to build and equip Fleets; to calling forth the Aid of the Militia in order to execute the Laws of the Union, enforce Treaties; suppress Insurrections, and repel Invasions; and to make all Laws that shall be necessary and proper for carrying into full and complete Execution the foregoing Powers, and all other Powers vested, by this Constitution, in the Government of the United States, or in any Department or Officer thereof.

Direct Taxation shall always be in Proportion to Representation in the House of Representatives.

The Proportions of direct Taxation shall ^ be regulated by the whole Number of white and other free
for Citizens and Inhabitants of
any age, sex, or condition, as
hiring them bound to Employers
for a Term of Years, and three
fifths of all other Persons not in
Presented on the preceding Day
when it shall, within
six years after the first Meeting
of the Legislature, and within the
town of five years after the
taken in such Manner as the said
Legislature shall direct.
From the first Meeting of
the Legislature until the Numbers
of Citizens and Inhabitants shall
be taken as aforesaid, direct
Instruction shall be so prescribed
the Number of Representatives
chosen in each State.
No Tax or Duty shall be laid
by the Legislature on Articles ex-
ported from any State; nor on the
Importation or Imposition of
such Persons as the several States
that think proper to admit, nor
shall such Importation or Imposi-
tion be prohibited.
No Exposition Tax shall be
levied, except in Conjunction to the
Excise.
free Citizens and Inhabitants of every Age, Sex and Condition, including those bound to Servitude for a Term of Years, and three fifths of all other Persons not comprehended in the foregoing Description; which Number shall, within six Years after the first Meeting of the Legislature; and within every the Term of ten Years afterwards, be taken in such Manner as the said Legislature shall direct.

From the first Meeting of the Legislature until the Number of Citizens and Inhabitants shall be taken as aforesaid, direct Taxation shall be in Proportion to the Number of Representatives chosen in each State.

No Tax or Duty shall be laid, by the Legislature, on Articles exported from any State; nor on the Immigration or Importation of such Persons as the several States shall think proper to admit; nor shall such Immigration or Importation be prohibited.

No Capitation Tax shall be laid, unless in Proportion to the Census.
Germaine known before directed to be taken.

a. No Navigation Act shall be

protected without the Grant of two

thirds of the Members present in

such House.

The United States shall not

grant any title of Nobility.

9. The law of the Legislature of the

United States made in pursuance

of this constitution, and all laws,

made under the authority of

the United States shall be the su

prem law of the several States, and

of their Cities and Towns,

cities, and the judges in the

several States shall be bound by

their Decisions and Things in the

Legislature or Laws of the

several States to the contrary not

withstanding.
Census herein before directed to be taken.

No Navigation Act shall be passed without the Assent of two thirds of the Members present in each House.

The United States shall not grant any Title of Nobility.

9

The Acts of the Legislature of the United States made in Pursuance of this Constitution, and all Treaties made under the Authority of the United States shall be the supreme Law of the several States, and of their Citizens and Inhabitants; and the Judges in the several States shall be bound thereby in their Decisions, any Thing in the Constitutions or Laws of the several States to the contrary notwithstanding.
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10. No State shall enter into any treaty, alliance [or] Confederation; nor lay any impost or duties on imports; nor keep troops or ships of war in time of peace; nor grant letters of marque and reprisal; nor coin money; nor emit bills of credit, without the consent of the legislature. No state shall, without such consent, engage in any war; unless it shall be actually invaded by enemies, or the danger of invasion be so imminent as not to admit of a delay, until the legislature of the United States can be consulted. No State shall grant any title of nobility.

11. The Senate of the United States shall have power to make treaties; to send ambassadors; and to appoint the judges of the supreme national court. In all disputes and controversies now subsisting, or that may hereafter respecting [territory] or territory subsist between two or more states, the Senate shall possess the following powers. Whenever the legislature
where, or the Executive Authority, or the highest head of any State, or Court, connecting with another, shall by Agreement to the Senate, state the Matter in Dispute, apply for a Hearing. Notice of such Application and Agreement shall be given to the Senate, or the Executive authority of the other State in controversy. The Senate shall also appoint a Day for the App

earance of the Parties by their Agents before that Senate. The Agents shall be decided to appear by joint lot, and, in the presence of Judges to constitute a Court for hearing and determining the Matter in Dispute. But if the Agents cannot agree, the Senate shall name three Persons, out of each of the several States, and from the list of such Persons, and by lot, alternately striking out, until the Number shall be reduced to three, and from that Number, the first shall be entitled to give Notice, and if the Notice be given by the first, or the Senate whose Names shall be there drawn, in any one of them shall be Commissioners or Judges to hear and finally determine.

WILLIAM EWALD AND LORIANNE UPTIDE TOLER July.
-ture, or the Executive Authority, or the lawful Agent of any State in Controversy with another, shall, by Memorial to the Senate, state the Matter in Question, and apply for a Hearing. Notice of such Memorial and Application shall be given, by Order of the Senate, to the Legislature or the Executive Authority of the other State in Controversy. The Senate shall also assign a Day for the Appearance of the Parties by their Agents before that House. The Agents shall be directed to appoint, by joint Consent, Commissioners or Judges to constitute a Court for hearing and determining the Matter in Question. But if the Agents cannot agree; the Senate shall name three Persons out of each of the several States; and from the List of such Persons each Party shall alternately strike out one, until the Number shall be reduced to thirteen; and from that Number not less than seven, nor more than nine Names, as the Senate shall direct, shall, in their Presence, be drawn out by Lot; and the Persons whose Names shall be so drawn, or any five of them shall be Commissioners or Judges to hear and finally deter
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-mine the Controversy; provided a majority Part of the Judges, who shall hear the Cause, agree in the Determination. If either Party shall neglect to attend at the Day assigned, without shewing sufficient Reasons for not attending; or, being present, shall refuse to strike; the Senate shall proceed to nominate three Persons out of each State; and the Secretary [...] Clerk of the Senate shall strike in Behalf of the Party absent or refusing. If any of the Parties shall refuse to submit to the Authority of such Court, or shall not appear to prosecute or defend their Claim or Cause; the Court shall nevertheless proceed to pronounce Judgment. The Judgment shall be final and conclusive. The Proceedings shall be transmitted to the President of the Senate, and shall be lodged among the public Records for the Security of the Parties concerned. Every Commissioner shall, before he sit in Judgment, take an Oath, to be administered by one of the Judges of the Supreme or Superior Court of the State where the Cause shall be tried, “well and truly to hear and determine the Matter in Question, according to the best of his Judgment, without Favour, Affection or Hope of Reward.”
all controversies concerning land,
claimed under different grants of
by several states, whose jurisdiction
as they respect such lands, shall
have been decided or adjudged under,
any other law or grant or policy, shall
be referred to the Senate, to finally
decide, as near as may be, in the
due manner as is before provided for
settling controversies between different states.

42.

The Executive Power of the United
States shall be vested in a single
person. This person shall be called the
President of the United States of America
and shall be called the "Executive"

The President shall be elected by the
Legislature. The President shall be
officer during the Term of seven years;
but shall not be elected a second time.

The President shall have Power to fill up
any Vacancy that may happen during the
Term of any Member of the Senate,
or of the House of Representatives, by
the Appointment of another Person
who shall also hold their Office
until the End of the Term for
which they were elected.

The President shall have the Power,
and shall be responsible, for seeing
that the Laws of the United States
are duly observed and executed,
in all the States.

The President shall have the Power,
and shall be responsible, for seeing
that the United States are duly
protected against all foreign
alliances, or combinations against
the United States, or any part
thereof.
All Controversies concerning Lands claimed under different Grants of two or more States, whose Jurisdictions as they respect such Lands, shall have been decided or adjusted subsequent to such Grants shall, on Application to the Senate, be finally determined, as near as may be, in the same Manner as is before [xxxx] prescribed for deciding Controversies between different States.

12.

The Executive Power of the United States shall be vested in a single Person. His Stile shall be, “the President of the United States of America”; and his Title shall be, “His Excellency.” He shall be elected by Ballot by the Legislature. He shall hold his Office during the Term of seven Years; but shall not be elected a second Time.

He shall, from Time to Time, give to the Legislature Information of the State of the Union, and he may recommend Matters to their Consideration, such Measures as he shall think find nesy & xped, and he may convene them on extraordinary Occasions. He shall take Care, to the best & faithful the due Excn— of the Laws of the United States be faithfully executed.
executed. He shall commission all the Officers of the United States, and shall appoint, in all Cases not otherwise provided for by this Constitution. He shall receive Ambassadors, and shall correspond with the Governors and other Executive Officers of the several States. He shall have Power to grant Reprieves and Pardons; but his Pardon shall not be pleaded in Bar of an Impeachment. He shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States. He shall, at stated Times, receive, for his Services, a fixed Compensation, which shall neither be encreased nor diminished during his Continuance in Office. Before he shall enter on the Duties of his Department, he shall take the following Oath or Affirmation: “I solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States of America.” He shall be dismissed from his Office on Impeachment by the House of Representatives, and Conviction in the Supreme
Supreme judicial court of Scouram. In case of his
impeachment, impeachment, death, or
inability to discharge

The powers and duties of the
President, the President of the Senate shall
preserve these powers, and duties, until
another President of the United States
be chosen, or until the President
removed, or disabled as authorized, or
his disability be removed.

13

All commisions, patents, and titles
shall be in the name of the United
States, of America.

14.

The executive power of the United
States shall be vested in an Executive
Department, and in one

The judicial power of the United
States shall be vested in an Supreme
Court, and in such

The judges of the Supreme Court shall be chosen by the Senate by

They shall hold their offices
during good behavior. They shall,
at stated times, receive for their

The

United States, of America.
Supreme National Court of Treason or Bribery or Corruption. In Case of his Removal, Impeachment, Dismissal, Death, Resignation or Disability to discharge the Powers and Duties of his Office, the President of the Senate shall exercise those Powers and Duties, until another President of the United States be chosen, or until the President impeached or disabled be acquitted, or his Disability be removed.

13
All Commissions, Patents and Writs shall be in the Name of “the United People and States of America.”

14.
The Judicial Power of the United States shall be vested in one Supreme National Court, and in such other Courts as shall, from Time to Time, be constituted by the Legislature of the United States.

The Judges of the Supreme National Court shall be chosen by the Senate by Ballot. They shall hold their Offices during good Behaviour. They shall, at stated Times, receive, for their Services, a Compensation, which shall not be diminished during their Continuance in Office.
The jurisdiction of the supreme court shall extend to all cases arising under laws enacted by the legislative body of the United States; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to all cases between a state and citizens of another state; between a state and citizens of different states; between a state and foreigners, the citizens of one state; between citizens of different states; and between citizens of the same state, and citizens of foreign states. It shall have original jurisdiction in all cases affecting ambassadors, other public ministers, and consuls; and in all cases of admiralty and maritime jurisdiction.
The Jurisdiction of the Supreme National Court shall extend to all Cases arising under Laws passed by the Legislature of the United States; to all Cases affecting Ambassadors and other public Ministers to the Trial of Impeachments of Officers of the United States; to all Cases of Admiralty and Maritime Jurisdiction; those which regard Jurisdiction to or Territory betwixt. Controversies between a State and a Citizen or Citizens of another State, between Citizens of different States, and between Citizens of any of the States and foreign States, Citizens or Subjects. In Cases of Impeachment, those affecting Ambassadors and other public Ministers, and those, in which a State shall be one of the Parties, this Jurisdiction shall be original. In all the other Cases beforementioned, it shall be appellate with such Exceptions and under such Regulations as the Legislature shall make. The Legislature may distribute this Jurisdiction, above mentd. except the Trial of the Executive in the Manner and under the Limitations which it shall think proper to inferior Courts as it shall constitute from Time to Time. Crimes shall be tried in the State, in which they shall be committed; and all Criminal Offences shall be by Jury, except in Cases of Impeachment.
The free inhabitants of each State, which may be admitted into the Union, shall be entitled to all privileges and immunities of citizens in the several States.

The United States shall guarantee to each State a Republican form of Government, and shall protect each State against foreign invasion, and among the States against domestic violence or domestic injury.

The Congress shall have power to call in the aid of the militia of several States, when the public safety may require it, and to raise and support armies, but no appropriation of money to that use shall be made unless in consequence of a previous appropriation by Congress, and a regular Statement and Estimate of the expedition shall accompany such appropriation.

This Constitution, and the laws of the Union which shall be made in pursuance thereof, and all treaties made or which shall be made under their authority, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.
The free Inhabitants of each State shall be intitled to all Privileges & Immunities of free Citizens in the several States.

Any person charged with Treason, Felony or high Misdemeanor who shall flee from Justice & be found in any of the United States shall on demand of the executive power of the State from which he fled be delivered up & removed to the State having Jurisdiction of the Offence.

New States lawfully constituted or established within the Limits of the United States may be admitted, by the Legislature, into this Government; but to such Admission the Consent of two thirds of the Members present in each House shall be necessary: If a new State shall arise within the Limits of any of the present States; the Consent of the Legislatures of such States shall be also necessary to its Admission. If such Admission be consented to; the new States shall be admitted on the same Terms with the original States: But the Legislature may make Conditions with the new States concerning the public Debt, which shall be then subsisting.

The United States shall guaranty to each State a Republican Form of Government; and shall protect each State against foreign Invasions, and, on the Application of its Legislature, against domestic Violence.

This Constitution ought to be amended whenever such Amendment shall become necessary; and, on the Application of two the
two-thirds the Legislatures of two-thirds of the States in the Union, the Legislature of the United States shall call a Convention for that Purpose.

The Members of the Legislatures and the executive and judicial Officers of the United States and of the several States shall be bound by Oath to support this Constitution.

In order to introduce this Government

Resolved

That this Constitution proposed by this Convention to the People of the United States for their Approbation shall be laid before the United States in Congress assembled for their Approbation; and be afterwards submitted to a Convention chosen in each State, under the Recommendation of its Legislature, in Order to receive the Ratification of such Convention.

Resolved

That the Ratification of the Conventions of the States shall be sufficient for organizing this Constitution.

That each assenting Convention shall notify its Assent and Ratification to the United States.
United States of America. Congress of the United States, upon the Resolution of the Senate and House of Representatives, agrees to appoint and publish a Day as early as may be, to appoint a Person for performing the duties under the Constitution, and for such Person, a Secretary to be appointed.

13. The President of the Senate shall, at the Time of the Meeting of the Senate, certify the Election of the President of the Senate, and cause the Same to be made known to the President of the Senate.

14. That the Members of the Legislative Council shall meet at the Time and Place appointed by Congress; and that the President of the Senate shall be present at the Commencement of the Term of Office, and shall be present as soon as may be after their Meeting, cause the President of the Senate of the Senate, and proceed to execute the Constitution.
United States in Congress assembled:

That the United States in Congress assembled, after receiving the Assent and Ratification of the Conventions of the States, shall appoint and publish a Day, as early as may be, and appoint a Place for commencing Proceedings under this Constitution: That after such Publication, or in Case it shall not be made, after the Expiration of Days from the Time when the Ratification of the Convention of the State shall have been notified to Congress, the Legislatures of the several States shall elect Members of the Senate, and direct the Election of Members of the House of Representatives, and shall provide for their support. That the Members of the Legislature shall meet at the Time and Place assigned by Congress or (if Congress shall have assigned no Time and Place) at such Time and Place as shall have been agreed on by the Majority of the Members elected for each House; and shall, as soon as may be after their Meeting, chuse the President of the United States, and proceed to execute this Constitution.