

# 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 This motion failed, therefore limiting the number of copies originally made.<sup>1</sup> 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.<sup>2</sup> (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.<sup>3</sup>) 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.<sup>4</sup> 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.


<sup>1</sup> Convention Journal, July 25, 1787, in *The Records of the Federal Convention of 1787*, ed. Max Farrand, 3 vols. (New Haven, CT), 2:107; Luther Martin, "Genuine Information," Speech delivered to the Maryland Legislature, Nov. 29, 1787, *Records*, 3:191.

<sup>2</sup> Jonathan Elliot, *The Debates in the Several State Conventions on the Adoption of the Federal Constitution . . .*, 2nd ed. (Philadelphia, 1881), 5:375–77. James Madison's notes were published as *The Papers of James Madison: Purchased by Order of the Congress, Being His Correspondence and Reports of Debates during the Congress of the Confederation, and His Reports of Debates in the Federal Convention . . .* (Washington, DC, 1840).

<sup>3</sup> James Wilson Papers, vol. 2, folders 65–68, Historical Society of Pennsylvania.

<sup>4</sup> J. Franklin Jameson, *Studies in the History of the Federal Convention of 1787*, published in the *Annual Report for the American Historical Association for the Year 1902* (Washington, DC, 1903), 1:128.

Mr Meridith called upon you

M<sup>r</sup> Meridith called upon you 

1. Resolved That the Government of the United States ought to consist of a Supreme Legislature, Judiciary and Executive.
2. Resolved That the Legislature of the United States ought to consist of two Branches.
3. Resolved That the Members of the first Branch of the Legislature of the United States 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 Term 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 Office for the Term of six Years, one third to go out biennially — to receive a Compensation for the Discharge of their Service 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 bills.
6. Resolved That the Right of Pardon in the first Branch of the Legislature of the United States ought not to be according to the Privilege established in the Legislature of Great Britain, 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 Virginia New Hampshire shall send three — Massachusetts 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 four — 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 authorized from Time to Time to proportion 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 State created within the Limits of the United States, the Legislature of the United States shall be fully authorized to regulate the Number of Representatives in any of the foregoing Cases upon the Principle of the Number of their Inhabitants, according to the Census, one Census after mentioned, namely — provided always that Representatives ought to be proportioned according to direct Taxation; And in order to ascertain the Allocation 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 further the Term of six Years

1. Resolved That the Government of the United States ought to consist of a Supreme Legislative, ~~E~~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 ^ 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 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 Rules recommended by Congress in their Resolution of  
 April 18<sup>th</sup> 1793 - And that the Legislature of the United States shall prescribe  
 the detail Execution accordingly.

Resolved that all Bills for raising or appropriating Money, and for fixing the Va-  
 - lues of the Offices of the Government of the United States shall originate in  
 the first Branch of the Legislature of the United States, and shall not be al-  
 - tered 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 unless  
 Congress shall determine, all Moneys 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.

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 Interest of the Union, and also in those Cases in 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 Senate and in pursuance of  
 the Authority 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 In-  
 - habitants; and that the Judges 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 constituted 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 Office in Cases not otherwise provided  
 for - to be removable on Impeachment and Conviction of great Crimes  
 or neglect of Duty - to receive a fixed Compensation for the Execution of  
 his Office - to public Service - to be paid out of the public Treasury.

Resolved That the national Executive shall have a Right to require any legislative Act,  
 which shall not be otherwise provided, to be passed by the third Branch of each Branch  
 of the national Legislature.

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 Le-  
 - gislature - to hold their Office during good Behaviour - to receive from  
 the said Branch a fixed Compensation for their Services, in which no  
 Diminution shall be made so as to affect the Salaries 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 Cases  
 as involve the national Peace and Harmony.

Resolved

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 18<sup>th</sup>. 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 removeable 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 afterwards passed, unless by two third Parts of each Branch of the national Legislature.

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 empowered to appoint and remove Federal Judges.
- 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 Majority of Voices in the national Legislature. *Not less than the whole.*
- Resolved That a Republican Form of Government shall be guaranteed 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, whenever 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 Title 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 Appropriation of Congress, to be submitted to an Assembly or Assemblies of Representatives, recommended by the several Legislatures, to be separately 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; the whole not to exceed thirty.



- 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.

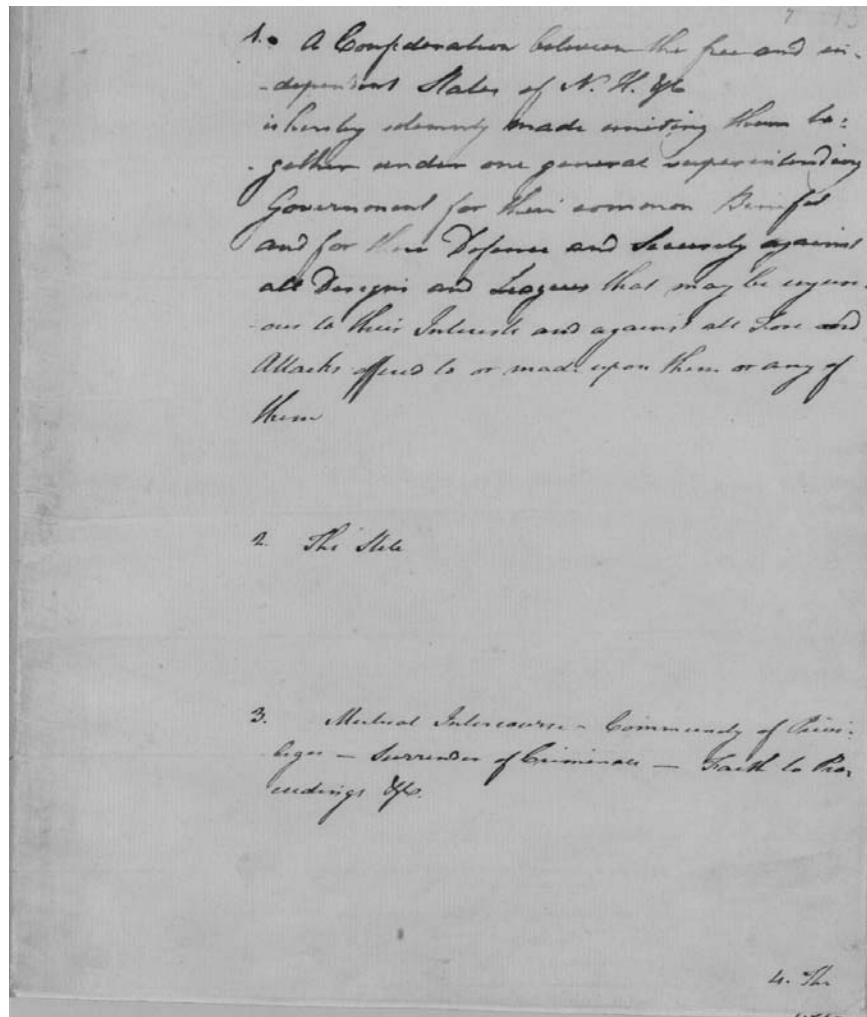
*Document III:*  
*Wilson's Copy of the Pinckney Plan*

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.<sup>5</sup> 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.<sup>6</sup> 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.

<sup>5</sup> Andrew C. McLaughlin, "Sketch of Pinckney's Plan for a Constitution, 1787," *American Historical Review* 9 (1904): 735.

<sup>6</sup> Farrand, *Records*, 2:128.



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
3. Mutual Intercourse — Community of Privileges — Surrender of  
Criminals — Faith to Proceedings &C.
4. The

4. Two Branches of the Legislature - Senate -  
House of Delegates - together the H. of Delegates -  
- 112

H. of D. to consist of one Member for every  
thousand Inhabitant. 3/4 of Blacks included  
Senate to be elected from four Districts - to  
serve by Rotation of four Years - to be elected  
by the H. of D. either from among themselves or  
the People at large

5. The Senate and H. of D. shall by joint Ballot  
annually elect the Presid. H. of D. from among  
themselves or the People at large - In the Presid.  
the executive Authority of the H. of D. shall be vested.  
- His Powers and Duties - He shall have a Right  
to advise with the Heads of the different Depart-  
ments in 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  
to be the Presid.

7. The

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<sup>t</sup>. U.S. from among themselves or the People at large. — In the  
Presid.<sup>t</sup> 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<sup>t</sup>. S. for for. Affairs, S. of  
War, Heads of the Departments of Treasury and Admiralty or any two  
of them tog.<sup>r</sup> w<sup>h</sup> the Presid<sup>t</sup>.

7. The

7. The Members of S. & H. D. shall each have<sup>16</sup>  
one Vote, and shall be paid out of the common  
Treasury.

8. The Time of the Election of the Members of the H.  
D. and of the Meeting of H. S. in C. appointed.

9. No State to make Treaties or any interfering Duties.  
— keep a peace or land Force (subject excepted to be  
disrupted &c according to the Regulations of the  
H. S.).

10. Each State retains its Rights not expressly dele-  
gated — But no Bill of the Legislature of any  
State shall become a Law till ~~has~~ it shall have  
been laid before S. & H. D. in C. appointed and  
received their Approbation.

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

12. The



7. The Members of S. & ~~C~~H. D. shall each have one Vote, and shall be paid out of the common Treasury.
8. The Time of the Election of the Members of the H. D. and of the Meeting of U.S. in C. assembled.
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 [~~xxx~~] 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

12. The S. & H. D. in C. ap. shall have the exclusive  
Power of regulating Trade and levying Imports - Each  
State may lay Embargoes in Times of Scarcity

13

of establishing Post Office

14. S. & H. D. in C. ap. 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. ap. shall constitute Office and appoint  
Officers for the Departments of for. Affairs, War, Treas-  
ury and Admiralty -

They shall have the exclusive Power of declaring  
what shall be Treason & High Treason ag. 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 Cases wherein Questions shall arise on the  
Construction of Treaties made by U. S. or on the Laws of Nations  
- or on the Regulations of U. S. concerning Trade & Revenue -  
- or wherein U. S. shall be a Party - The Court shall con-  
sist of Judges to be appointed during good Behav-  
- or

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 insi<sup>ti</sup>tute 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 & Misp. of Treason ag<sup>judicial</sup>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

- 18
- *exclus* - S. & H. D. in C. ap. shall have the exclusive  
 - *sin* Right of instituting in each State a Court of Admiralty,  
 - *ly*, and appointing the Judges &c. of the same for all  
 - *maritime* causes which may arise therein respectively.
16. S. & H. D. in C. ap. shall have the exclusive Right of coin-  
 - *ing* Money - regulating its Alloy & Value - fixing the Stan-  
 - *ard* of Weights and Measures throughout the U. S.
17. Counts in the which the spent of more than a bare  
 - *Majesty* 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. ap. shall regulate the *Offices* & *Thurs*  
 - *the* U. S.
20. Means of enforcing and compelling the Payment of the  
 - *Debts* of each State.
21. Manner and Conditions of admitting new States.
22. Power of dividing annexing and consolidating States  
 - *on* the consent and Petition of such States.
- 93 H

-viour — S. & H. D. in C. ass shall have the exclusive Right of instituting in each State a Court of Admiralty, and appointing the Judges &C. of the same for all maritime Causes which may arise therein respectively.

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.
21. Manner and Conditions of admiting new States.
22. Power of dividing annexing and consolidating States on the Consent and Petition of such States.

23. The intent of the Legislature of <sup>18</sup>State shall be sufficient to amend future additional Powers in Nat. in C. of. and shall bind the whole Confederacy.

24. The Articles of Confederation shall be inviolably observed, <sup>+</sup> and the Union shall be perpetual, <sup>+</sup> unless altered as before directed.

25. The said States of N. H. &c. guarantee, <sup>each other and their Rights</sup> mutually against all other Powers and against all rebellions &c.

23. The Assent of the Legislature of                      States shall be sufficient to  
[invest?] future additional Powers in U.S. in C. ass. and shall bind the  
whole Confederacy.
234. The Articles of Confederation shall be inviolably observed,<sup>+</sup> and  
the Union shall be perpetual;  
<sup>+</sup>unless altered as before directed
25. The said S~~x~~ates of N. H. &C <sup>each other and their Rights</sup> 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.<sup>7</sup> 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.<sup>8</sup> 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.<sup>9</sup> 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.<sup>10</sup> 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.<sup>11</sup> 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.

<sup>7</sup> Elliot, *Debates*, 5:375–81.

<sup>8</sup> Farrand, *Records*, 2:129–75.

<sup>9</sup> William Montgomery Meigs, *The Growth of the Constitution in the Federal Convention of 1787* (Philadelphia, 1900), ii–ix, 4, 317–24.

<sup>10</sup> Wilson Papers, vol. 2, folders 26–37, 62, 89–97, 98.

<sup>11</sup> Farrand's second transcription is today most easily found in James Hutson, *Supplement to Max Farrand's The Records of the Federal Convention of 1787* (New Haven, CT, 1987) 183–93.



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 polities — This ~~business, if not fitter for the schools,~~ <sup>is</sup> ~~is at least sufficiently exonerated~~ display of theory, howsoever proper in the first formation of state governments, ~~seems~~ <sup>of men</sup> unfit here; since we are not working on the natural rights ^ not yet gathered into society, but upon those <sup>interwoven with</sup> rights, modified by society, and ~~supporting~~ what we call ~~states~~ the rights of 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 ~~means~~, <sup>could</sup> ~~ode~~ which they ~~could~~ <sup>interwoven with</sup> 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 establish~~ Let it be next declared, that the following are the constitution and fundamentals of government for the United States — After this introduction, let us proceed to the

~~1<sup>st</sup> resolution~~

~~2<sup>d</sup> 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 ~~and~~ a supreme ~~execu~~ 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.



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 point, howsoever they may be scattered about ^ — ~~Take~~ 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 (a) The house of delegates
    - 1. ~~shall never be greater in number than~~  
To effect this, pursue a rule, similar to that prescribed in the 16<sup>th</sup>. 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 <sup>in due time</sup> ^ as the national legislature shall direct; ~~within~~ 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:
    - equ: if a ✓ 5. The qualifications of a delegates 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 <sup>biennially</sup> ^ held on the same day through the <sup>same</sup> ^ 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 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.~~
- ~~but if a certain term of residence, and a certain quantity of landed property ought not to be made by the convention a further qualification~~



with theseat in the particular states, unless the  
 ✓ 11. The qualification of electors shall be the same ^ throughout the states, viz: legislature shall hereafter d[re]ct some uniform qualification to prevail through the states.

These qualifications not justified by the resolutions.  
 citizenship:  
 manhood  
 sanity of mind  
 previous residence for one years, or possession of real property within the state for the whole of one year, or inrollment in the militia for the whole of a year.  
 who are

12. All persons may be elected

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

13. ~~quore. 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~~ <sup>personal restraint</sup> [restraint?] 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

rule 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.

by death disability or resignation governor of the state, wherein they shall happen.  
 ✓ 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. shall consist of ~~members~~, [eac?]h possessing a vote  
 the legislature of appoint

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

3. the qualification of a senato[rs] 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 as near as may be three  
 be divided by lot ^ into four classes, six in each class, and numbered 1, 2, 3: LetAnd  
 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,





- ✓ 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 ~~for~~ 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.
  - ✓ 78. The senators shall be privileged from <sup>personal restraint</sup> ~~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 whatsoever.~~
  - 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, [du] while in session.~~
10. Vacancies
- ~~10. The wages of the senators shall be paid out of the nat. treasury of the united states.: those wages for the first six years shall be in dollars per diem —~~
- ~~every~~ ~~after the first~~
- ~~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 shouldall have been the averaged value of wheat during the sixlast six years, in the state, where the legislature may be sitting: [uuu] And for the six subsequent years, the senators shall receive per diem the averaged value of ————— bushels of wheat.~~
- Senate
- ✓ 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
  - 1 the legislative powers; with certain exceptions; and under certain restrictions
  - 2 ~~[with certain] exceptions and~~
  - 3 ~~under certain restrictions~~
2. ~~other powers:~~ <sup>i</sup> for the ~~future~~ past ~~or~~ future debts and necessities of the union
  - agr<sup>d</sup>. 1. To raise money by taxation, unlimited as to sum, ^ and to establish rules for collection.  
 Exceptions  
 agr<sup>d</sup>. [X] No Taxes on exports. — Restrictions ✓ 1. direct taxation proportioned to representation ✓ 2. No ~~headpost~~ capitation — tax ~~[xxx]~~ <sup>indirect</sup> 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 off[ending?]~~ <sup>states bound to inform</sup> —
  2. 4. To regulate commerce both foreign & domestic & no State to lay a duty on  
 ✓ imports —  
 Exceptions  
 ✓ 1. no Duty on exports.  
 ✓ 2. no prohibition on <sup>ye</sup> such ^ Importations of ^ inhabitants or People  
 ✓ 3. no duties by way of such prohibition. <sup>as the sev<sup>l</sup>. States think proper to admit</sup>

Restrictions.
- ✓✓ 1. A navigation act shall not be passed, but with the consent of <sup>call</sup> <sup>2/3ds.</sup> of the Members <sup>present</sup> ^ of ~~eleven states~~ <sup>the like N<sup>o</sup>. of</sup> in the senate. and [xx] in ^ the house of representatives.
2. ~~No shall any other regulation — and this rule shall prevail, wheresoever the subject shall occur in any act.~~
3. ~~The lawful territory To make treaties of commerce —~~
- qu: as to senate: <sup>Under the foregoing restrictions.</sup> 4. ~~To make treaties of peace or alliance~~  
 qu: as to senate <sup>under the foregoing restrictions, and</sup> ~~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 ✓ 7. To declare the law of piracy, felonies and captures on the high seas, and captures on land.
- to regulate ✓ 8. To appoint tribunals, inferior to the supreme judiciary.
- Weights & 9. To adjust upon the plan heretofore used all disputes
- Measures between the States respecting Territory & Jursd<sup>n</sup>

9. To adjust upon the plan heretofore used all disputes be-  
 tween the states respecting territory & jurisdiction  
 10. To regulate the coinage & the mint & to emit  
 money  
 11. To regulate the trade with the Indians  
 12. To regulate the trade with the foreign nations  
 13. To establish post-offices  
 14. To subdue a rebellion in any particular state, or the  
 application of the legislation thereof.  
 15. To enact articles of war.  
 16. To regulate the force permitted to be kept in each state.  
 17. To declare it to be treason to levy war or adhere to the enemies  
 of the U. S.  
 18. To punish the governor in those things which

They had passed  
 the any article a tender  
 paper. of 15th  
 to inform the  
 of declaring the same  
 & the intent of the  
 to borrow money  
 against a person by force  
 B. H.

[Page 5 continued]

Thing but Specie		The exclusive rights of Money
X make any		10. To <del>regulate</del> coining <del>Paper prohibit</del> no State to
Article a Tender		in future
in paymt. of		be per <sup>d</sup> . to Emit Paper Bills of Credit
debts	✓	✓ with <sup>t</sup> . the App: of the Nat <sup>l</sup> . Legis <sup>le</sup> nor to x
	✓	11. To regulate naturalization
		calling
	✓	make Laws for [ <del>raising?</del> ] forth the Aid of the to execute
+ to inforce	✓	12. To draw forth the ^ militia, or any part, or to
Treaties		<del>authorize the Executive to embody them</del>
		the Laws of the Union + to repel Invation and [suppress?]
		internal Com <sup>ns</sup> .
X2 of declaring	✓	13. To establish post-offices.
the Crime &	✓	14. To subdue a rebellion in any particular state, on the
Punishm <sup>t</sup> of		application of the legislature thereof.
Counterfeitg it.	✓	15. To enact articles of war.
	✓	16. To regulate the force permitted to be kept in each state.
Power to borrow		<del>17. To send ambassadors.</del>
Money-		
To appoint a	✓	18. To declare it to be treason to levy war ^ or adhere to
Treasurer by		the enemies of the U. S.
joint Ballot.		19. <del>To organize the government in those things,</del>
		<del>which</del>

276 (P)

Section the 11<sup>th</sup> Article

All laws of a particular state, repugnant hereto, shall be void: and in the decision thereon, which shall be vested in the supreme judiciary, ~~the decision shall be final and not subject to appeal~~ ~~shall be considered as a final principle.~~

That trials for great offences be in the State where the offence was committed by law - and a right to make all laws necessary to carry the foregoing Powers into Execution -

2. The powers belonging peculiarly to the representatives are those concerning money-bills

3. The powers destined for the Senate peculiarly are

1. To regulate the trade of commerce
2. To make peace & declare war
3. To appoint the judiciary
4. To send Embassadors

A. The executive

1. shall consist of a single person; *by joint ballot*

2. who shall be elected by the electors of the United States

3. and hold his office for the term of four years

4. and shall be ineligible thereafter

5. His powers shall be

1. to carry into execution the national laws
2. to command and superintend the militia ~~to direct their discipline~~
3. to direct the operations of the states to enter them in any point for the benefit of the national government
4. to appoint to offices not otherwise provided for by the constitution
5. to be removable on impeachment made by the two thirds of the Senate and on conviction of malfeasance or neglect of duty
6. before the supreme judiciary
7. to receive a fixed compensation for the duration of his term to be paid out of the national treasury

He shall propose to the Legislature from time to time by speech or by writing the state of the Union

A no member or member serving the term of service of the Executive

Insert the II<sup>th</sup>. 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 Crim<sup>l</sup>. Offences be in the State where the Off<sup>e</sup> was com<sup>d</sup> — 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  
 ✓ those concerning money-bills

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

- ✓ 1. To make treaties of commerce  
 Treaties of  
 ✓ 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

✓Ø Governor of the  
 united People & States  
 of Americas./

- ✓ 1. shall consist of a single person; ✓  
 ✓ 2. who shall hold be elected by the [xxx] Legislature by joint Ballot  
 shall [of wh?] each Ho. have a Negative on the other  
 ✓ 3. and ^ hold his office for the term of six seven years. ✓  
 ✓ 4. and shall be ineligible thereafter. ✓

5. His powers shall be

+ to be Commander  
 in Chief of the Land &  
 ✓ Naval Forces of the  
 Union & of the Militia  
 of the Sev<sup>l</sup>. States.

⊕ shall propose to the  
 Legis<sup>le</sup>. from Time to  
 ✓ Time by Speech or  
 Mess<sup>g</sup> such Meas as  
 concern this Union

- ✓ 1. to carry into execution the national laws, ✓  
 2. to + command and superintend the militia;  
 3. to direct their discipline ✓  
 4. to direct the executives of the states to call them  
 the  
 or any part for ^ support of national government.

- ✓ 5. to appoint to offices, not otherwise provided  
 for. by the constitution

- ✓ 6. to be removeable on impeachment, made be  
 the house of representatives and on conviction of  
 malpractice or neglect of duty,  
 before the supreme judiciary

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

- ✓ of Treason Bribery or Corruption. ⊕  
 7. to receive a fixed compensation for the devotion of his  
 time to public service the quantum of which shall be  
 ✓ settled by the national legislature: to be paid out of the  
 national treasury. A





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

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 Presid<sup>t</sup>. of y<sup>e</sup> Senate

✓to succeed to the Executive

<sup>Vacancy [x]</sup>  
in Case of death until the  
Meeting of the Legis<sup>l</sup>.

The power of pardoning  
vested in the Executive

<sup>his pardon</sup>  
✓which ^ shall not howevr,  
be pleadable to an  
Impeachm<sup>t</sup>.

✓1. shall consist of one supreme tribunal:

✓2. the judges whereof shall be appointed by the senate:

✓3. and of such inferior tribunals, as the legislature may <sup>establish</sup> appoint ^:

4. the judges of which shall be also appointed by the senate —

✓5. all the judges shall hold their offices during good  
behaviour;

✓6. and shall receive punctually,

at stated times

a ~~fixed~~ compensation for their services, to be settled  
by the legislature.

✓in which no diminution shall be made, so as to affect the  
✓persons, actually in office at the time of such diminution  
and shall swear fidelity to the union.

✓7. The jurisdiction of the supreme tribunal shall extend

✓1. to all cases, arising under laws, passed by the  
general; Legislature:

✓2. to impeachments of officers: and  
<sup>such</sup>

✓3. to ^ other cases, as the national legislature may

✓assign, as involving the national peace and harmony  
in the collection of the revenue, —

in disputes between citizens of different states; ||

✓ in disputes between different states; and

✓ in disputes, in which subjects or citizens of  
other countries are concerned.

✓ & in Cases of Admiralty Jurisd<sup>n</sup>

✓ But this supreme jurisdiction shall be appellate only,  
Cases of Impeachmt & ~~in~~.

✓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.

## in disputes between a

✓State & a Citizen or  
Citizens of [x]another  
State. \_\_\_\_



[Page 7 continued]

# Miscellaneous provisions

1✓ New states soliciting admission into the ~~u~~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 prest.  
States by Consent of the Legis<sup>e</sup>.  
of those States.

~~(a) in the territory of the united states,  
with the assent of the legislature.~~

~~(b) within the limits of a particular  
state, by the consent of a major part  
of the people of that state:~~

✓3. shall be admitted only on the suffrage  
of <sup>2/3</sup><sub>3</sub><sup>d</sup> in the house of representatives and  
the like N<sup>o</sup>. in the

^ [~~xx~~]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 —~~

~~6. provided also, that the ~~w~~Western  
states are intitled to admission on  
the terms specified in the act of  
congress of~~

5. provided always, that the legislature

admitting

✓ 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 guarantee is
  - ✓ 1. to prevent the establishment of any government, not republican:
  - ✓ ~~23~~ 3. to protect ~~each state~~ against internal commotion: and
  - ✓ ~~32~~ 2. against external invasion.
  - in the last Case
  - ✓ 4. But this guarantee shall not operate ^ without an application from the legislature of a state.
  - 5.
- ✓ 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
  - in toto
  - ✓ of considering and approving and rejecting it ^:
  - ✓ and this recommendation may be used from
  - ✓ time to time
- ✓ on appln. of 2/3<sup>ds</sup> of the State Legislatures to the Natl. Leg. they
- ✓ call a Convn. 5. ~~An alteration may be effected in the articles of union, on the~~
- ✓ to revise [&?] ~~nine 2/3<sup>ds</sup>~~
- alter y<sup>e</sup>. Articles ~~application of two thirds ^ of the state legislatures. by a Convn.~~
- of Union 6. ~~The plighting of faith ought to be in solemn terms.~~

#### Addenda

#### Conventions

- ✓ 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.

-10- 78(1)

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 ~~for~~ <sup>for</sup> ~~respects~~ <sup>respects</sup>, our confederation has fallen short of those objects.
3. The powers necessary to be given, will then follow as a consequence of the defects.
  - a. A question next arises, whether these powers <sup>with propriety</sup> can be vested in congress. The answer is, that they cannot.
4. <sup>But</sup> As some states may possibly meditate partial confederations, it would be fit now to refute this opinion briefly.
5. It follows then, that a government of the whole on national principles, with respect to taxation ~~is~~ <sup>is</sup> most eligible.
6. This would lead to a short exposition of the leading particulars in the constitution.
7. 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 <sup>of the plan</sup> in the country with some general topics. Now I conceive, that these heads do not more, than comprehend the ~~at~~ necessary 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 ~~particulars~~ 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 <sup>with propriety</sup> be vested in congress. The answer is, that they cannot.
- But
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 <sup>of the plan</sup> advocates ^ in the country with some general topics. Now I conceive, that these heads do not more, than comprehend the ~~wt~~ 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.<sup>12</sup>

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.

<sup>12</sup> 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  
 known by the Stat. of the United States  
 State of America

The People of the State of New Hampshire  
 do hereby certify and attest  
 the following ~~document~~ <sup>document</sup> as  
 the Constitution of the United States of  
 America" according to which we are in  
 Collected State the approved under the  
 name and State of the "United States of  
 America" of the said United States

a general Assembly to consist of  
 two separate and distinct Branches, the  
 one to be called the House of Representatives, the  
 other the Senate of the United States.

The legislative Power of the United States shall  
 be vested in two ~~Branches~~ <sup>Branches</sup> ~~separate~~ <sup>separate</sup>  
 House of Representatives, each of which shall  
 have a Vote on the other

The Number 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, who  
 resided in the United States for the space of  
 seven Years immediately preceding the Day of  
 Election, and has a Freehold Estate in at least  
 fifty Acres of Land

Reading Green New Hampshire July 2nd 1788

William Ewald  
 Lorianne Updike Toler

already confederated united and  
known ~~known~~ by the Stile of the  
United States of America”

a general Assembly to consist of  
^ in ^ two separate and distinct  
Bodies of Men, the one to be called  
of the People of the United States  
the House of Representatives, ^ the  
other the Senate of the United States.

~~^ having a freehold Estate within the  
United States~~

We

^The People of the States of New  
Hampshire &C ^ do ~~agree upon~~,  
declare  
ordain ^ and establish the following  
Frame of Gov.<sup>t</sup> 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 shal be vested in two ~~Branches~~,  
~~a Senate and a House of~~ ^  
Bodies  
Representatives; 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  
who has  
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 treat of the Powers of the Legislature
2. To except from those Powers certain specified Powers
3. To render in certain Cases a greater Power - than a Majority necessary
4. To assign to H. Reps. any Powers peculiar, - only 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 Act of Union
4. The Manner of Ratification
5. The Manner of Alteration
6. The Righting of mutual Faults

*To be added*

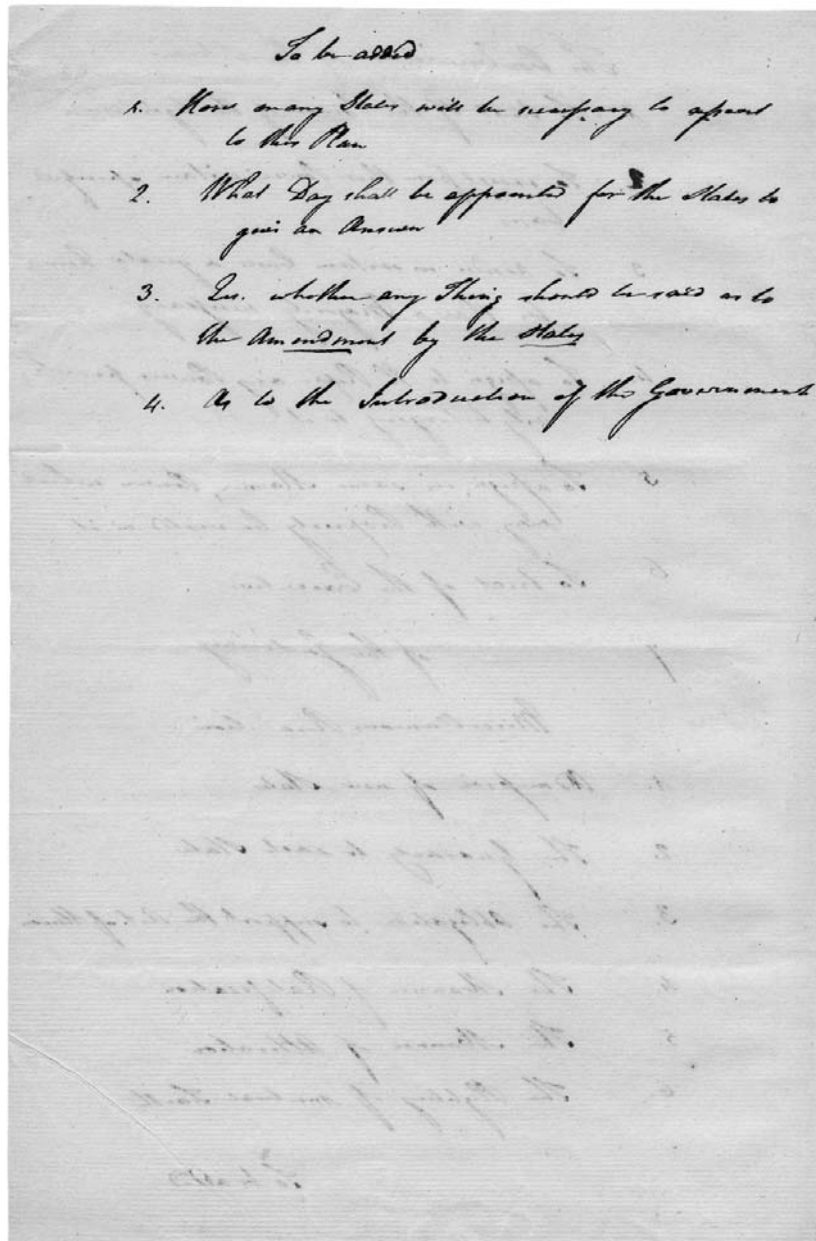
### The Continuation of the Scheme

1. To treat of the Powers of the legisla[ture/tive?]
- [\*]2. 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 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  $38.5 \times 47.5$  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.<sup>13</sup>

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.<sup>14</sup> 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.

<sup>13</sup> See *Early Drafts of the U.S. Constitution*, supra note 3; Jameson, *Studies*, 128.

<sup>14</sup> *Ibid.*

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 and establish the  
 following Constitution for the Govern-  
 ment of ourselves and of our Posterity.

1.  
 The Style of this Government shall be  
 The United States and States of America.

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

3.  
 The supreme legislative Power shall be  
 vested in a Congress to consist of two es-  
 sential and distinct Bodies of Men, to be  
 known by the Name of Representatives, the  
 Senate of each of  
 which shall have a Vote in the other,  
 in all Cases not otherwise provided for in the  
 Constitution.

The Members of the House of Representa-  
 tives shall be chosen every second Year in  
 the several States, by the People of the sev-  
 eral States, the Electors in each State shall  
 have the Qualifications requisite for Electors  
 in the Legislature of the several States; but the  
 Qualifications of Electors shall not be less than  
 those of any Elector in the several States, and  
 shall be subject to the Qualifications of the  
 Legislature of the United States.

The Senate shall be composed of two Senators  
 from each State, the Electors in each State shall  
 have the Qualifications requisite for Electors in the  
 Legislature of the several States, and shall be  
 subject to the Qualifications of the Legislature of the  
 United States.

The Electors in each State shall have the Qualifications  
 requisite for Electors in the Legislature of the  
 several States, and shall be subject to the Qualifications  
 of the Legislature of the United States.

1

of the

We the People ~~and~~ 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 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, <sup>a</sup> ~~one to be called the~~ House of Representatives, and a <sup>in all Cases</sup> ~~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~~ <sup>comprehended within this Union</sup> following by the People of the several States<sup>^</sup>. ~~^^ The~~

~~^^ and The Qualifications of the Electors, and~~

~~and the Manner~~ Time and Place and the of holding the Elections, <sup>^</sup> ~~and the Rules~~ shall be ~~appointed~~ <sup>concerning them</sup> by the Legislatures 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 <sup>^</sup> 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 Colored and other  
 inhabitants shall be taken in the manner  
 hereinafter directed

shall be at the time of the Election, a Resident  
 of the State, from which he shall be chosen.  
 The House of Representatives shall, at its  
 first Session, consist of 65 Members, of  
 whom there shall be chosen on New Hampshire,  
 eight in Massachusetts &c.

As the present Representatives of America 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 three States may be  
 united, and as new States will be erected  
 within the limits of the United States; the  
 regulation shall, in each of these Cases, be  
 left to the Legislature to regulate the Number of  
 Representatives according to the Enumeration  
 hereafter made.

It be not that

Representatives shall always be in  
 proportion to the Number of Representatives  
 now in the House of Representatives  
 in proportion to the Number of  
 Representatives of each State  
 then, the Legislature of the United States  
 shall, within one year after its first sitting  
 and within the term of one year  
 after afterwards, make

The proportion of direct Taxation  
 shall be regulated by the whole Number  
 of white and other free Colored and other  
 inhabitants of every State, which Number  
 shall be taken within six years after  
 the first sitting 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 approve.

From the first sitting of the Legis-  
 lature until the Number of Colored and  
 other inhabitants shall be taken as the  
 said Legislature shall direct and approve  
 shall be in proportion to the Number  
 of Representatives chosen in each State.

All Bills for raising or appor-  
 tioning

shall be, at the Time of his Election, a Resident of  
 ^ and until the Number of Citizens and Inhabitants shall be taken in the Manner hereinafter described

the State, <sup>in</sup> 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<sup>by the Number of Inhabitants</sup> according to the Provisions herein after made.

☐ See next Sheet

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

Representation in the House of Representatives.

~~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~~ 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~~  
<sup>as aforesaid</sup>  
~~the Manner before mentioned~~, direct Taxation shall be in Proportion to the Number of <sup>Representatives</sup> ~~Inhabitants~~ chosen in each State

All Bills for raising or appro

-priating



priating 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 this Nation; and all Impeachments shall be made by them.

The House of  
Representatives shall  
chuse its own Speaker,  
and other Officers

---

Vacancies in the House of Representatives shall be supplied by Writs of Election from the ~~Supr~~<sup>the Representation of from</sup> Executive ~~Power~~ Authority of the State in ^ which they shall happen.

The ~~Members of the~~ Senate of the United States shall  
~~every sixth Year~~  
be chosen ^ by the Legislatures of the several States;

<sup>Legislature</sup>  
~~Each of which~~ shall chuse two Members. ~~The votes~~  
~~shall not be given by States, but by the Members~~  
~~separately~~ Each Member shall have one Vote

The Members of the

Senate shall be chosen for six Years; provided that

Immediately after the first Election, they  
~~Members of the Senate~~ shall ~~by~~ 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, ~~th~~ of the second Class at the Expiration

of the United States shall  
have Power

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

<sup>Expiration</sup>  
of the fourth Year, of the third Class at the ~~End~~  
sixth Year, ~~that a~~ 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

Each House of the Legislature shall elect one Speaker, and one or more Clerks, except in the case of the Legislature of Oregon.

The Senate shall elect its own President and other officers.

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 of the Legislature shall be the Judge of the Elections, Returns and Qualifications of its Members, and shall be empowered of holding any Elections of its own Members, during the Term for which they shall be respectively elected; and the Members of the Senate shall be ineligible for re-election; but the Members of the House shall be permitted by the House to and ineligible of holding any state or legislative office of each State; but their Privileges shall for one Year afterwards.

The State of the Laws of the United States shall be altered and expounded by the Legislature, by the House of Representatives, and by the Senate of the United States in Congress assembled.

The Legislature of the United States shall have authority to establish such Courts, with regard to Property, as may be necessary for the Members of each House.

The Members of each House shall receive a Compensation for their Services, as to the said Legislature, to be paid as determined and paid by the State Legislature, which sum proper and sufficient in whole they shall be chosen.

The Speaker of the House of Representatives and the Speaker of the Senate shall keep a Journal of the Proceedings of the Legislature, and shall from time to time publish them, except in the case of the House of Representatives, and the Speaker of the Senate shall keep a Journal of the Proceedings of the Senate, and shall from time to time publish them, except in the case of the House of Representatives.

Each House shall have authority to determine the Rules and Orders of its Proceedings, and to punish its own Members, and to expel a Member, but not a second Time for the same offence.

Neither House shall adjourn for more than three Days without the Consent of the other; nor with such Consent, to any other Place than that at which the two Houses are sitting. But this Regulation shall be applied to the Senate only in its legislative capacity.

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.

Freedom of Speech



Each House of the Legislature shall possess the right of origin ing ~~Acts~~  
Bills, except in the Cases beforementioned

The Senate shall chuse 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 incapabe of holding any such office for one Year afterwards

✓ <sup>enacting</sup> The <sup>^</sup>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

✓ 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 <sup>\*Each</sup> ~~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 <sup>at the Desire of any Member,</sup> House on any Questions shall <sup>^</sup>be entered on the Journal ~~at the Desire of any Member~~

⊖ for disorderly and indecent Behaviour

✓ Freedom of Speech

~~[XXXXXXXXXX]~~

be applied to the Senate only in its legislative Capacity

of the Legislature

✓ In each House <sup>^</sup>a Majority of the Members shall constitute a Quorum to do Business; but a smaller Number may adjourn from Day to Day

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

✓ The Times and Places and the Manner of <sup>of</sup>

holding the Elections ~~for~~ the Members of each House shall be prescribed by the Legislatures of each State; but their Provisions concerning them may, at any Time, be altered and superseded by the Legislature of the United States.

✓ The Legislature of the United States shall have Authority to establish such Qualifications <sup>with Regard to Property</sup> of the Members of each House <sup>^</sup> ~~of the Legislature~~ as to the said Legislature shall seem proper and expedient

<sup>of the Members</sup> A Majority <sup>^</sup> of each House shall constitute ~~as a Quorum to do Business, but a smaller Number than a Majority of them may, in each House, adjourn from Day to Day.~~

✓ Each House shall have Authority to <sup>determine</sup> ~~settle~~ the Rules ~~and Orders~~ of its Proceedings, and ~~have Power~~ to punish its own Members ⊖

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

✓ Neither House shall adjourn for more than three Days without the Consent of the other; nor, with such Consent, to any other Place than that at which the two Houses are sitting; But this Regulation shall

✓ 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. ⊖

The



*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.<sup>15</sup> 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.”<sup>16</sup>

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.”<sup>17</sup> 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.<sup>18</sup>

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

<sup>15</sup> Jameson, *Studies*, 128–32.

<sup>16</sup> *Ibid.*, 128; Wilson Papers, vol.1, folders 9–10.

<sup>17</sup> Jameson, *Studies*, 131.

<sup>18</sup> *Ibid.*, 132, 151–56.

*An Appeal for the Correction of all Errors both in Law and Fact*

*to lay and collect Taxes*

*in all Cases of Revenue*

*on the Law of Nations, or on any Act for regulating Commerce, collecting Revenue  
must commercial or improve  
Laws*

That the United States in Congress be authorized - to pass Acts for raising a Revenue by laying Duties on all Goods and Merchandise of foreign Growth or Manufacture imported into any Part of the United States - by Stamps on Paper Money 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 Infractions of federal Officers; and by Way of Appeal in all Cases touching the Rights of Denizenship in all Cases of Capture from an Enemy - in all Cases of Prizes and Letters on the high Seas - in all Cases in which Foreigners may be interested in the construction of any Treaty, or which may arise

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 authorized to enforce and compel Obedience by setting 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 Right of Veto on the other, and shall be styled 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.C. shall have the Power to adjourn for more than Three Days without the other 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

# 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

to lay and  
collect Taxes

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

in all cases of  
Revenue  
  
or on the Law  
of Nations, or  
general  
commercial or  
marine Laws

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 [~~other?~~] 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

of the President of the U. S. as 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 execute all such Orders as may be required or by the Legislature - to inspect the Departments of Foreign Affairs - War - Treasury - Navy - to receive when the Legislature shall direct - to communicate all Officers and keep the great Seal of the U. S. - He shall by Virtue of his Office be Commander in Chief of the Land Forces of the U. S. and Governor of this Army - He shall have Power to convene the Legislature on extraordinary Occasions - to prorogue them provided such Prorogation shall not extend beyond the space of any - He may suspend Officers civil and military.

The Legislature of the U. S. shall have the exclusive Power - of raising a military Land Force - of equipping Army - of raising and lowering public Taxes to be levied - of regulating the Trade of the several States as well with foreign Nations as with each other - of laying Duties upon Imports and Exports - of establishing Post Offices and raising a Revenue from them - of regulating Indian Affairs - of creating Money - fixing the Standard of Weight and Measure - of determining in what Species of currency the public Treasury shall be kept - The Federal judicial Court shall lay Officers of the U. S. for all Cases fit in their Office - and to this Court shall be referred from the several States.

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

The Cases of impeachment shall be tried in the U. S. - The Senators and Judges of the Federal Court, be a Court for trying Impeachments.

The Legislature of the U. S. shall possess the exclusive Right of establishing the Government and Discipline of the Militia of - and ordering the Militia of any State to any other within the U. S.

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 foederal 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.”

<sup>19</sup> Jameson, *Studies*, 128; Wilson Papers, vol. 1, folders 5–8.



3

mitted on the same Terms with the original States: But the Legislature may make Conditions with the new States <sup>concerning</sup> ~~with Respect to~~ the <sup>public</sup> ~~then subsisting~~ Debt ~~of the United States~~ which shall be then subsisting

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

This Constitution ought to be amended whenever such Amendment shall becom 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 <sup>and</sup> ~~and~~ <sup>States</sup> ~~States~~ of the United for their <sup>be [x] laid,</sup> ~~Approbation should, as [soon?] as may be, laid~~ before the United State[s?] in Congress assembled for their Agreem[ent?] and Recommendation, and <sup>be</sup> ~~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

Resolved That the Ratification of the Convention of <sup>the</sup> State shall be sufficient for organizing the Convention here: That each appointing State shall notify its Agent to the United States in Congress assembled: That the United States in Congress assembled, after receiving the Report and Ratification of the Conventions of <sup>the</sup> State shall appoint and publish a Day, as early as may be <sup>as appointing a Place</sup> for <sup>for organizing and commencing the</sup> Proceedings under this Constitution: That after such Publication, or in case it shall not be made, <sup>after the</sup> Expiration of <sup>Days</sup> Days after from the Time when the Ratification of the Convention of the <sup>the</sup> State shall have been notified to Congress the Legislatures of the several States shall select 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 be agreed on by the Majority of the Members elected for each House, and shall as soon as may be after their Meeting choose the President of the United States, and proceed to carry execute this Constitution.

Resolved

That the Ratification of the Conventions of States shall be sufficient for organizing this Convention Constitution: 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 [Oper?] Proceedings under this Constitution: That after such Publication, or (in Case it shall not be [on?] after 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 ~~chuse~~ <sup>elect</sup> 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 Meeting <sup>President</sup> ~~chuse~~ the ~~Governour~~ of the United States, and proceed to ~~carry~~ execute this Constitution

The Legislature of the United States Every  
 shall have authority in all Disputes and Bills, which shall have passed  
 Controversies now subsisting, or that the House of Representatives and the  
 may hereafter subsist between two or more States, before they become Laws,  
 more States, the Senate shall prepare to be presented to the Government of the  
 following Powers: Whenever the Legislature of any State for the Revision,  
 law, or the Executive Authority, or the and if, upon such Revision, he appears  
 to be of any State in Controversy, ~~that~~ if it, he shall signify his Op-  
 in with another State <sup>by Memorial</sup> ~~present a letter~~ probation by signing it. If, upon  
 to the Senate, state the Matter in Law, such Revision, it shall appear to him  
 him and apply for a Hearing. ~~Not~~ <sup>being</sup> ~~is proper for~~ <sup>being</sup> ~~presenting~~ <sup>it</sup> ~~to~~ <sup>be</sup> ~~shall~~  
 of such Memorial and Application ~~it~~ <sup>return it</sup> ~~together with his Objections~~ <sup>to</sup>  
 shall be given by Order of the Senate to ~~be~~ <sup>in Writing, to the House of Representatives</sup>  
 the Legislature or the Executive Authority ~~of the State~~ <sup>in which it shall have</sup>  
 of the other State in Controversy. ~~and~~ <sup>original</sup> ~~who shall enter the Report~~  
 The Senate shall also assign a Day for ~~to~~ <sup>at large or then forward, and present</sup>  
 the appearance of the Parties by them a, ~~such~~ <sup>to</sup> ~~Reconsideration, two thirds of that~~  
 govt before that ~~House~~ <sup>that House</sup> ~~the Senate shall have~~ <sup>shall</sup> ~~notwithstanding the Ob-~~  
 be directed to appoint by joint Com- ~~missioners of the Government, agree to pass~~  
 sent Commissioners or Judges to con- ~~it~~ <sup>it</sup> ~~shall, together with his Objections,~~  
 stitute a Court for hearing and determin- ~~ing the Matter in Controversy. But if the~~ <sup>by</sup> ~~the~~ <sup>be reconsidered, and, if approved</sup>  
 ing the Matter in Controversy. ~~But if the~~ <sup>by two thirds of the other House also, it</sup>  
 Agents cannot agree, the Senate shall ~~shall be a Law. But in all such Cases~~  
 in ~~the~~ <sup>in</sup> ~~them~~ <sup>name</sup> ~~out of each of the several States,~~ <sup>shall be a Law. But in all such Cases</sup>  
 and from the list of such persons each ~~the Votes of both Houses shall be deter-~~  
 Party shall alternately strike out one ~~named by~~ <sup>named by</sup> ~~the~~ <sup>the</sup> ~~the~~ <sup>the</sup>  
 (the Party who shall have applied for a Hearing of the Persons voting for or against their ~~being~~  
 reduced to thirteen, and from that ~~Bill shall be entered in the Journals~~  
 Number not less than seven, nor more ~~of each House respectively, if any~~  
 than seven Names, as the Senate shall ~~Bill shall not be returned to the go-~~  
 direct, shall, in their absence, be drawn ~~randomly~~ <sup>randomly</sup> ~~within~~ <sup>within</sup> ~~Thirty~~ <sup>Thirty</sup>  
 out by lot, and the Person whose ~~shall have been presented to him, it~~  
 Name shall be so drawn, or any part of shall be a Law, unless the Legislature  
 thereon, shall be Commissioners or Judges by their ~~Representatives~~ <sup>Representatives</sup> ~~present etc~~  
 to hear and finally determine the Court. ~~Return in which Case it shall be return-~~  
 recovery, provided a majority Part of the ~~ed on the first Day of the Meeting of~~  
 Judges who shall hear the Cause, agree in the ~~Legislature.~~  
 Determination. If either Party shall  
 neglect to attend at the Day assigned, without showing to the other sufficient Reason  
 for not attending, or being present, shall refuse to ~~execute the~~ <sup>execute the</sup> ~~the~~ <sup>the</sup> ~~the~~ <sup>the</sup>  
 to nominate their Persons out of each State, and the ~~President of the Senate shall~~  
 strike in ~~Behalf~~ <sup>in</sup> ~~of the Party absent or refusing.~~ <sup>of the Party absent or refusing.</sup> ~~If any of the Parties shall refuse~~  
 to submit to the Authority of such Court, or shall not appear to present or defend  
 them

<sup>Senate</sup>  
~~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 <sup>by Memorial</sup> ~~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 <sup>that House</sup> ~~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  
<sup>three Persons</sup>  
 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 Sen~~ sufficient Reasons  
 for not attending, or, being present, shall refuse to strike, the Senate shall proceed to  
<sup>Secretary or Clerk</sup>

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

Every  
~~All~~ Bills, which shall have passed the  
<sup>the</sup>  
 House of Representatives and <sup>^</sup> Senate, shall,  
<sup>it</sup> before ~~they~~ become <sup>a</sup> Laws, be presented to  
 the Governour of the United States for his  
~~Revision~~ Revision; and If, upon such Revision,  
 he approv[x] ~~thereof~~ of it, he shall signify his  
 Approbation by signing it. ~~But~~ But, if, upon such  
 Revision, it shall appear to him improper for  
 being passed into a  
~~becoming~~ a Law, he shall return it, together  
 with his Objection against it in Writing, to  
~~that House of Representatives or Senate~~, in  
 which it shall have originated, who shall enter  
 the Objection 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  
 Governour, agree to pass it; it shall, together  
 with his Objections, be sent to the other House,  
 by which <sup>likewise</sup>  
~~where~~ it shall ~~also~~ 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 Journals of each House respectively — If  
 any Bill shall not be returned by the  
 Governour within Days after it shall have  
 been presented to him, it shall be a Law, unless  
 the Legislature, by their [X]Adjournmint, pre-  
 vent its Return; in which Case it shall be  
<sup>next</sup>  
 returned on the first Day of the <sup>^</sup> Meeting of  
 the Legislature.

then there is cause, the Court shall nevertheless proceed to pronounce sentence  
in judgment. The sentence or judgment of the Court, appealed in the manner  
before provided, shall be final and conclusive. The Recordings shall be  
transmitted to the President of the United States, and shall be lodged among  
the public Records for the service of the Parties concerned. Every appeal shall  
before be set 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  
"best of his Judgment, without Fear, Affection or Hope of Reward"

All controversies concerning lands claimed under different Grants of two  
or more States, whose jurisdictions do not respect such lands, shall, from the date  
of adjournment of such Courts, shall, on application to the Senate, be finally  
determined as soon as may be, on the same Motion as is before the President for  
deciding Controversies between different States.



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 <sup>President</sup> ~~Governour~~ of the <sup>Senate</sup> ~~United States~~, and shall be lodged among <sup>Commissioner</sup>

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 [~~des?~~] 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."<sup>20</sup> It is currently filed with the Pinckney Plan in matted and boxed folios under that heading.<sup>21</sup>

<sup>20</sup> Wilson Papers Facsimiles, vol. 1.

<sup>21</sup> Wilson Papers, vol. 1.

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 Style of this Government shall  
 be "The United States of America."

2.  
 The Government shall consist of  
 supreme legislative, executive and ju-  
 dicial Powers.

3.  
 The legislative Power shall be vest-  
 ed in a Congress to consist of two se-  
 parate and distinct Bodies of Repre-  
 sentatives, 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

To meet on the 1<sup>st</sup> Monday in  
 every December

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.

To meet on the 1<sup>st</sup> Monday in every December —

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

the same as those of the Electors in the  
 several States, of the most numerous  
 Branch of their own Legislatures,

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 Powers shall not  
 extend to any Time, to  
 extend and superseded by the  
 Legislature of the United States.

Every Member of the House of Re-  
 presentatives 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

from Time to Time  
 the same ^ as those of the Electors, in✓  
 the several States, of the most numerous  
 Branch of their own Legislatures

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 cho-  
 sen 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 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 created 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 have the sole Power of Impeachment; and the Senate shall have the sole Power of trying all Impeachments.

vacancies



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

Vacancies in the House of Representatives shall be supplied by Writ of Election from the Executive Authority of the State, in the Representation <sup>House</sup> which they shall happen.

The House of Representatives shall choose its ~~own~~ 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~~ <sup>and</sup> ~~consequently~~ <sup>so that</sup> that ~~the~~ <sup>the</sup> 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 United

Vacancies in the House of Representatives shall be supplied by Writs of Election from the Executive Authority of the State, in the Representation, <sup>from</sup> ~~in~~ which they shall happen.

The House of Representatives shall chuse its ~~own~~ Speaker and other Officers.

5.

The Senate of the United States shall be chosen by the Legislatures of the several States. Each Legislature shall chuse 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

<sup>so</sup> 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

-ed

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 ~~choose its own~~ choose its own President and other Officers

6.

Each House of the Legislature shall possess the Right of originating Bills, except in the Cases before men-  
-tioned.

The Time and Place and the Manner of holding the Elections of the Members of each House shall be prescribed by the Legislature of each State; but these Provisions concerning them may at any Time be altered or ~~improved~~ by the Legislature of the United States.

The Legislature of the United States shall have Authority to establish such uniform Qualifications of the Members of each House, with regard to Property, as to the said Legislature shall seem ~~fit~~ 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

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]~~ chuse 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 uniform 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

Freedom of Speech and Debate in the Legislature shall not be impeach-  
 ed 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 determine the  
~~Rules~~ <sup>not</sup> determine the Rules of its Pro-  
 ceedings, ~~and~~ <sup>may</sup> punish its Mem-  
 bers for disorderly Behaviour,  
 and each House may expel a Mem-  
 ber, but not a second time for the  
 same Offense.  
 The House of Representatives, and the Senate, when it shall be acting in  
 a legislative capacity, shall keep a Jour-  
 nal of its Proceedings, and shall, from  
 Time to Time, publish them: And the  
 Yeas and Nays of the Members  
 of each House, on any Question,  
 shall, at the Desire of any Member,  
 be entered on the Journal.  
 Neither House shall adjourn  
 for more than three Days, without  
 the Consent of the other; nor, without  
 such Consent, to any other Place  
 than that, at which the two Houses  
 shall be assembled: But this Regulation  
 shall not extend to the Senate, when it shall be acting in a legislative capacity.  
 The Members of each House shall  
 be ineligible to, and incapable of  
 holding any Office under the Au-  
 thority of the United States dur-

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~~ <sup>may</sup> determine the Rules of its Proceedings, <sup>may</sup> ~~and to~~ punish its ~~own~~ Members for disorderly Behaviour.

~~Each House~~ <sup>and</sup> may expel a Member, ~~but not a second Time for the same Offence~~

The House of Representatives, and the Senate, <sup>when it shall be acting in a legislative Capacity,</sup> ~~Each House~~ shall keep a Journal of <sup>their</sup>

~~their~~ <sup>^</sup> Proceedings, and shall, from Time to Time, publish them: And the Yeas and Nays of the Members of each House, on any Question, shall, <sup>1/5<sup>th</sup> of the</sup> at the Desire of <sup>^</sup> ~~any~~ Members ~~present~~ be entered on the Journal.

Neither House <sup>without</sup> ~~shall adjourn for more than three Days,~~ without the <sup>shall adjourn for more than three days</sup> Consent of the other <sup>^</sup>; nor, ~~without such Consent,~~ to any other Place than that, at which the two Houses are sitting. But this Regulation

<sup>it shall</sup> ~~the powers ment<sup>d</sup>. in the Article~~ <sup>not extend when exercising</sup> Shall be applied <sup>^</sup> to the Senate ~~only in its legislative Capacity.~~

The Members of each House shall be ineligible to, and incapable of holding any Office under the Authority of the United States dur

-ing

ing the Term, 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 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."

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 <sup>President</sup> ~~President~~ 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 Revision,



-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,

President

be presented to the ~~Governour~~ 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 Revi

-sion,

tion, 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 President within seven Days after it shall have been presented to him; it shall be a Law, <sup>unless the Congress be then adjourned</sup> unless the Congress be then adjourned, by their adjournment, present

-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

President

Objections of the ~~Governour~~ ^, 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

President

the ~~Governour~~ ^ with in seven Days after it shall have been presented to unless the Legis him; it shall be a Law, ~~unless the Legislature; [X]~~ by their Adjournment, prevent

3  
 present its return; in which case  
 it shall be returned on the first  
 day of the next Meeting of the Le-  
 gislature.  
 8  
 The Legislature of the United  
 States shall have the ~~right~~  
 Power to lay and collect Taxes,  
 Duties, Imposts and Excises,  
 to regulate Naturalization and  
 with foreign Nations, to regulate Commerce, to coin Money; to  
 establish a uniform Rule for Naturalization throughout the United States  
 to fix the Standard of  
 Weights and Measures; to esta-  
 blish 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 Pe-  
 nalties and Felonies committed  
 on the high Seas, and the Punish-  
 ment of counterfeiting, <sup>the</sup> Coin, and  
 of Offences against the Law of Na-  
 tions;

3

prevent its Return; in which Case it  
not  
shall be returned on the first Day of the  
next Meeting of the Legislature.

8

^with foreign Nations & amongst the  
Several States; to establish an uniform  
Rule for Naturalization throughout the  
United States

foreign

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

the

Punishment of counterfeiting ^ Coin,  
of the U.S & — and of Offences against the Law of Na-  
-tions;

Not to work Corruption or  
 Blood or Profit except during  
 the Life of the party

of the power of the U. S. Government, to know &  
 know, to declare what shall be  
 + to regulate the Disposition 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 re-  
 pair Fleets; to ~~seize~~ ~~seize~~  
 calling forth the Aid of the Militia  
 in order to execute the Laws of  
 the Union, to enforce Treaties, to  
 suppress Insurrections and repel  
 Invasions; and to make all Laws  
 that shall be necessary and pro-  
 per for carrying into full and  
 complete Execution the foregoing  
 Powers, and all other Powers vested  
 by this Constitution, in the Govern-  
 ment of the United States, or in any  
 Department or Officer thereof.

~~Representatives shall~~  
~~Elect Congress shall always~~  
~~be composed of two~~  
~~Members from each~~  
~~State~~

The Proportions of direct Tax-  
 ation shall be regulated by the  
 whole Number of whole and other  
 free

& of Treason ag<sup>st</sup> the U:S: ~~[xxx]~~ or any of them & C  
 B + tions; 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  
~~[make Laws for?]~~ calling forth the Aid  
 of the Militia in order to execute the  
 Laws of the Union, ~~[to?]~~ enforce  
 Treaties; ~~[to?]~~ 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.  
~~[Representation shall?]~~  
~~[xxx]~~ Direct Taxation shall always be in  
~~[xxxx]~~ 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  
 every Age, Sex and Condition, in-  
 cluding those bound to servitude  
 for a Term of Years, and three  
 fifths of all other Persons not com-  
 prehended in the foregoing Descrip-  
 tion; which Number shall, within  
 six Years after the first Meeting  
 of the Legislature; and within the  
 Term of <sup>three</sup> 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 ex-  
 ported from any State; nor on the  
 Emigration or Importation of  
 such Persons as the several States  
 shall think proper to admit; nor  
 shall such Emigration or Importa-  
 tion be prohibited.

No Capitation Tax shall be  
 laid, unless in Proportion to the  
 Census



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

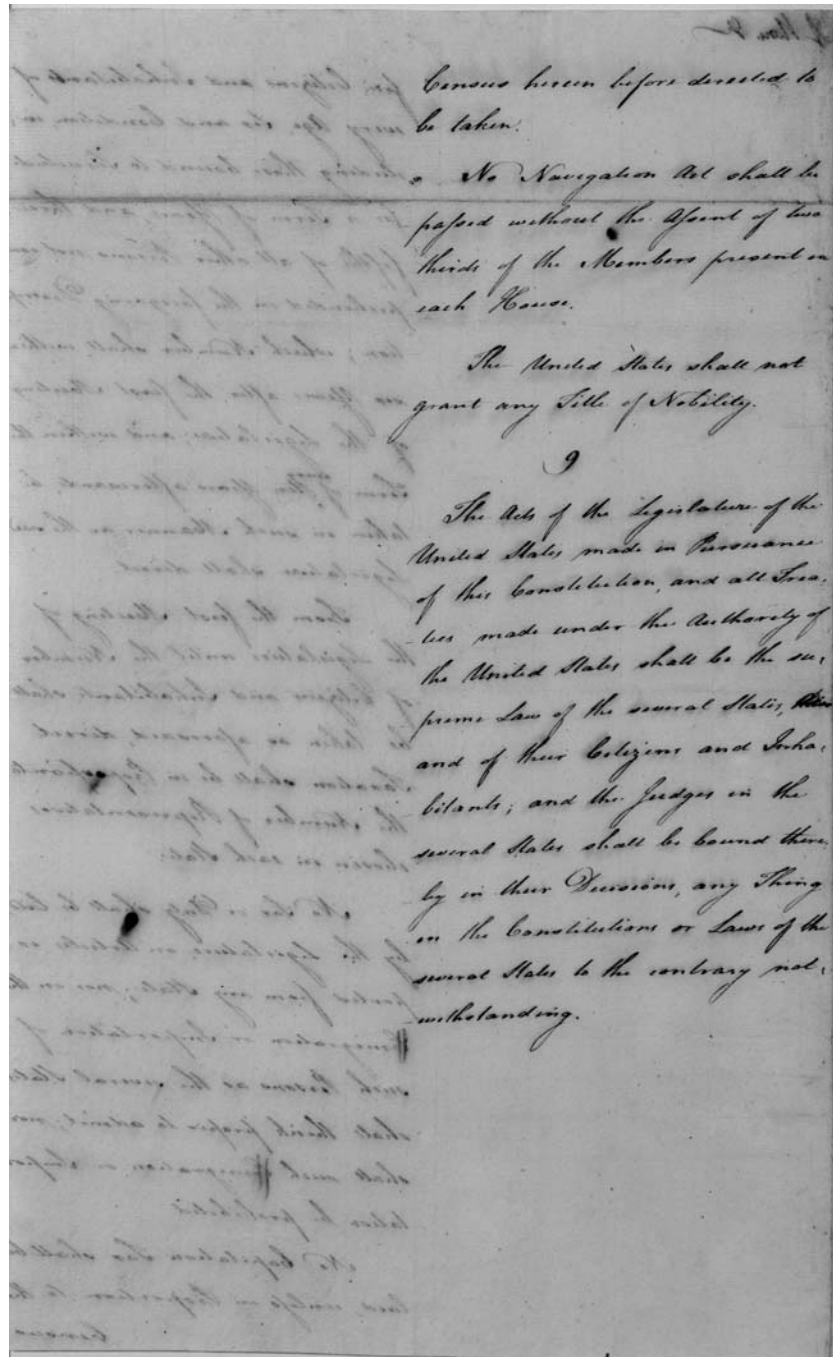
the Term of ^ ten Years afterwards, be taken in such Manner as the said Legislature shall direct.

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 ~~E~~migration or Importation of such Persons as the several States shall think proper to admit; nor shall such ~~E~~migration or Importation be prohibited

No Capitation Tax shall be laid, unless in Proportion to the

Census



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, [~~xxx~~] 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.



4

10.

with<sup>t</sup> Cons<sup>t</sup> of y<sup>e</sup> US. No State shall enter into any  
 Agreem<sup>t</sup>.  
 of ^ [~~Alance~~] Treaty, Alliance [~~or~~] Confederation ^;  
 with any foreign Power ^ nor into any Compact w<sup>th</sup> any ~~other~~ State or Power  
 ✓ with<sup>t</sup> Consent of the US ~~nor lay any Imposts 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  
 Emit Bills of Credit  
 of the United States. ^ 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~~ Jurs<sup>d</sup> or Territory?]  
 subsist between two or more States, ^  
 ✓ the Senate shall possess the following  
 Powers. Whenever the Legisla  
 -ture

sure, or the Executive Authority, or the  
 Chief Agent of any State in Con-  
 troversy with another, shall by  
 Memorial to the Senate, state the  
 Matter in Dispute, 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 Ap-  
 pearance of the Parties by their Agents  
 before that House. The Agents shall  
 be directed to appoint, by joint Con-  
 sent, Commissioners or Judges to  
 constitute a Court for hearing and  
 determining the Matter in Dis-  
 pute. 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 di-  
 rect, 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-  
 mine

-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-

-mine

8  
 -min the Controversy; provided a ma  
 jority 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  
~~Senate~~ Clerk of the Senate shall  
 strike in Behalf of the Party absent or  
 refusing. If any of the Parties shall re-  
 fuse 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 fi-  
 nal and conclusive. The Recordings shall  
 be transmitted to the President of the Senate,  
 and shall be lodged among the public Re-  
 cords for the Security of the Parties con-  
 cerned. Every Compromise shall, before  
 be set in Judgment, take an Oath, to be  
 administered by one of the Judges of  
 the Supreme or Superior Court of the  
 State, before the Cause shall be tried,  
 "will and truly, to hear and determine  
 the Matter in Question according to  
 the best of their Judgment, without con-  
 sideration of Fear or Hope of Reward."



-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~~ [or?] 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."

[xxx]

All Controversies concerning Lands  
claimed under different Grants of  
two or more States, whose Jurisdiction,  
as they respect such Lands, shall  
have been surrendered or ceded subse-  
quently to such Grants, shall, on Ap-  
plication to the Senate, be finally de-  
termined, so near as may be, in the  
same Manner as is before ~~provided~~  
prescribed for deciding Controversies  
between different States.

12.

The Executive Power of the United States shall be vested in a single Person. His Title shall be, "The President of the United States of America;" and his Style 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.

The state, from time to time given  
to the Legislature

Information of the State of the Nation

by my account  
therefore as he shall find it expedient  
attention to these considerations.

+ I'm full of a disagreement between  
the 2 Hanks with regard to <sup>the future</sup>  
he may adjourn them to such  
time as he shall think proper

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 or any of them

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

~~Nation ^ to the Legislature;~~ he may recommend ~~Matters~~ to their Consideration, such Measures as he shall ~~think~~ find nesy & xped<sup>d</sup> ^ and he may convene them on extraordinary

+ & in Case of a disagreement between the 2 Houses with regard to the time of to ^ Adj<sup>t</sup>. he may adjourn them to such Time as he shall think proper

+ It shall be his Duty to provide for Occasions. ~~He shall take Care, to the best~~ & faithful the due ^ Excn— of the Laws of his Ability; that the Laws of the United States be faithfully to the best of his Ability

executed

5. He shall commission all the Officers of the United States, and ~~the Officers of the several States~~ <sup>the Officers of the several States</sup> ~~in the Army and Navy~~ <sup>in the Army and Navy</sup> ~~and in the Militia of the several States~~ <sup>and in the Militia of the several States</sup> ~~not otherwise provided for by the~~ <sup>not otherwise provided for by the</sup> Constitution. He shall receive an Salary, and shall correspond with the ~~governors and the Executive~~ <sup>governors and the Executive</sup> ~~Officers of the several States~~ <sup>Officers of the several States</sup>. 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 increased 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 ~~removed~~ <sup>removed</sup> from his Office on Impeachment by the House of Representatives, and Conviction in the Supreme

5

~~executed.~~ He shall commission all the  
 Officers of the United States, and ~~shall~~  
~~such of them whose [appts.?] them in all Cases~~  
 appoint ^ ~~Officers in all Cases~~  
 ✓ [#?] ^ not otherwise provided for by this  
 Constitution. He shall receive  
 Ambassadors, and shall correspond  
 Supreme  
 with the ~~Governours~~ ^ ~~and other~~  
 Executives ~~Officers~~ of the several  
 States. He shall have Power to grant  
 Reprieves and Pardons; but his Pardon  
 B 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 dimin-  
 ished 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  
 removed  
 America." He shall be ~~dismissed~~  
 from his Office on Impeachment by the  
 House of Representatives, and  
 Conviction in the

Supreme

Supreme National Court of Treason or  
 Bribery or Corruption. In case of his  
 Imprachment, <sup>Removal</sup> ~~Removal~~, Death, Re-  
 signation or Disability to discharge  
 the Powers and Duties of his ~~Office~~<sup>Office</sup>,  
 the President of the Senate shall  
 exercise those Powers and Duties, un-  
 til another President of the United States  
 be chosen, or until the President im-  
 prached or disabled be acquitted, or  
 his Disability be removed.

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

14.  
 The Judicial Power of the United  
 States shall be vested in one Supreme  
 National Court, and in such <sup>inferior</sup> ~~inferior~~  
 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~~<sup>Senate</sup>  
 by Ballot. They shall hold their Offices  
 during good Behaviour. They shall,  
 at stated Times, receive, for their Ser-  
 vices, a Compensation, which shall not  
 be diminished during their Continu-  
 ance in Office.

The

Supreme ~~National~~ Court of Treason or  
Bribery or Corruption. In Case of his

Removal

Impeachment, ~~Dismission~~, Death,  
Resignation or Disability to discharge  
the Powers and Duties of his  
Office

~~Department~~; 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  
inferior  
~~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

The Jurisdiction of the Supreme ~~the~~  
~~Court~~ Court shall extend to all Cases  
 arising under Laws passed by the Le-  
 gislature of the United States; to all  
 Cases affecting Ambassadors ~~and other~~ <sup>other</sup>  
~~public Ministers~~ <sup>public Ministers</sup> to the Trial of Im-  
 peachments of Officers of the United  
 States; to all Cases of Admiralty and  
 Maritime Jurisdiction; to Controvers-  
 ies between a State and a Citizen or  
 Citizens of another State, between Ci-  
 tizens of different States, and between  
 a State or Citizens ~~of any of the~~ <sup>the</sup> States and foreign  
 States, Citizens or Subjects. In Cases  
 of Impeachment, ~~these~~ <sup>these</sup> affecting Am-  
 bassadors ~~and other~~ <sup>and other</sup> public Ministers,  
 and those in which a State shall be  
 a party, this Jurisdiction shall be  
 original. In all the other Cases before  
 mentioned it shall be appellate with  
 such Exceptions and under such Regu-  
 lations as the Legislature shall make.  
 The Legislature may ~~also~~ <sup>also</sup> ~~from any part of~~ <sup>from any part of</sup>  
 the Jurisdiction, in the Manner and under the  
 Limitations which it shall think prop-  
 er, ~~among~~ <sup>among</sup> such other Courts as it shall  
 constitute from time to time.  
 No Person ~~shall~~ <sup>shall</sup> ~~be~~ <sup>be</sup> ~~in~~ <sup>in</sup> ~~the~~ <sup>the</sup> ~~State~~ <sup>State</sup>  
 who shall be convicted of Impeachment  
 shall not extend further than to ~~be~~ <sup>be</sup> ~~disqualified~~ <sup>disqualified</sup>  
 to hold or enjoy any place of  
 Honor, Trust or Profit under the  
 U. S. But the party convicted  
 shall nevertheless be liable to  
 arrest by Indictment and to  
 trial according to the Laws of  
 the State.



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 <sup>& Consuls</sup> ~~other~~ ^ public Ministers ^ to the Trial of Impeachments of Officers of the United States; to all Cases of Admiralty and Maritime Jurisdiction;

States [xx] except those w<sup>ch</sup>. regard Jurisd<sup>n</sup>. to or Territory, betw<sup>n</sup>. Controversies between ^ a State and a Citizen or Citizens of another State, between Citizens of different States, and between the thereof

a State or ^ Citizens ~~of any ^ of the States~~ and foreign States, Citizens or Subjects. In Cases Cases of Impeachment, ~~those~~ ^ affecting Ambassadors and other public <sup>& Consuls</sup> Ministers ^, and those, in which a State a 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 assign any part of may ~~distribute~~ ^ this Jurisdiction, above ment<sup>d</sup> /except the Trial of the Executive/ ^ in the Manner and under the Limitations which it shall think proper to inferior among such other ^ Courts as it shall constitute from Time to Time.

& where Crimes shall be tried in the State, ^ in which they shall be committed; ~~and~~ all Crim<sup>l</sup> Offences ✓

‡The Trial of ^ ~~them~~ shall be by Jury. /except in Cases of Impeachment/ +

+Judgm<sup>ts</sup>. in Cases of Impeachmt. shall not extend further than to Removal from Office & disqualif<sup>n</sup>. [to] to hold & enjoy any place of Honr. Trust or Profit under the U.S. But the party convicted shall nevertheless be liable & subject to Jud<sup>l</sup>. Trial Jud<sup>t</sup>. & Punishmt according to the Law of the Land.

New States lawfully constituted or  
 established within the Limits of the United  
 States may be admitted, by the Leg-  
 islation, into the 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 <sup>the</sup> 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 Gov-  
 ernment; and shall protect each  
 State against foreign Invasions, and,  
 on the Application of its Legislature,  
 against domestic Violence.

This Constitution ought to be amend-  
 ed whenever such Amendment shall be  
 deemed necessary; and, on the Application of  
 two thirds of both Houses of Congress,

The pre-<sup>visions</sup> of each State  
 shall be entitled to all pri-  
 -vileges & Immunities of free  
 Citizens in the United States  
 Any person charged with Treason  
 Felony or high Misdemeanor  
 who shall flee from Justice  
 & be found in any of the 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 Crime.

Full Faith & Credit shall be

6

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 <sup>the</sup> 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.

Citizens

The free ~~inhab~~ <sup>^</sup> of each State shall be intitled to all Privileges & Immunities of free Citizens in the sevl. States

Any person charged with Treason Felony or high Misdemeanr who shall flee from Justice & be found in any of the <sup>U</sup> <sup>^</sup> States shall on dem<sup>d.</sup> of the executive power of the State from w<sup>ch.</sup> he fled be deliv<sup>d.</sup> up & removed to the State hav<sup>g</sup> Jurisd<sup>n</sup> of ~~the~~ <sup>Tr</sup> the Offence. —

Full Faith & Credit &c.

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

and the Legislatures of the States of the Union, the Legation of the United States shall send 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.

I do hereby introduce this Convention.

That this Constitution proposed by the Convention to the People of the United States for their approbation shall be sent to the United States in Congress assembled for their ratification and that in the spirit of this Convention it be forwarded submitted to a Convention chosen in each State under the recommendation of its Legislature in order to receive the ratification and Constitution.

That the ratification of the Convention of the United States shall be of force for organizing the Convention and that the Convention shall be of force for organizing the Convention.

I do hereby introduce this Convention.

That the ratification of the Convention of the United States shall be of force for organizing the Convention and that the Convention shall be of force for organizing the Convention.

~~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 Govern<sup>t</sup>~~

~~Resolved~~

~~That this Constitution proposed by this Convention to the People of the United States for their Approbation should~~ shall be laid before the United States in Congress assembled for their Approbation;

~~Agreement ^ and Recommendation; and~~ that in the opin<sup>n</sup>. of this Convent<sup>n</sup> it sh<sup>d</sup>. ^ 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 States shall be sufficient for organizing this Constitution;

+ In order to introd<sup>e</sup>. this Gov<sup>t</sup> it is the Opin<sup>n</sup> of this Conv<sup>n</sup> that

<sup>each</sup> ~~That each~~ assenting Convention <sup>in each</sup> shall sh<sup>d</sup> notify its Assent and Ratification to the United

12

United States in Congress assembled:

That ~~that the United States in Congress~~  
~~assembled, after receiving the~~  
~~and Ratification of the~~  
~~of~~ <sup>the</sup> ~~States, shall~~ <sup>shall</sup> appoint and  
 publish a Day, as early as may be and  
 appoint a Place for commencing the  
 meetings under this Constitution. That  
 after such publication, ~~on~~ <sup>on</sup> ~~the~~  
~~shall not be made~~ <sup>shall not be made</sup> ~~after the~~  
~~of~~ <sup>Days</sup> ~~from the time when~~  
~~the Ratification of the~~  
~~Constitution of the~~  
~~State shall have been~~  
~~to Congress, the Legislatures of the~~  
~~and States shall~~ <sup>shall</sup> elect Members of the  
 Senate, and direct the Election of Mem-  
 bers of the House of Representatives,  
 and shall provide for their support.

12<sup>o</sup> That the Members of the Legislature  
~~shall~~ <sup>shall</sup> meet at the Time and Place  
 assigned by Congress ~~and~~  
~~shall~~ <sup>shall</sup> ~~be~~ <sup>be</sup> ~~in~~ <sup>in</sup> ~~the~~  
~~at~~ <sup>at</sup> ~~such~~ <sup>such</sup> ~~Time~~ <sup>Time</sup> ~~and~~  
~~have been~~ <sup>have been</sup> ~~agreed on by the~~  
~~of the~~ <sup>of the</sup> ~~States~~ <sup>States</sup> ~~for~~ <sup>for</sup> ~~each~~ <sup>each</sup> ~~House;~~  
 and ~~shall~~ <sup>shall</sup> ~~as soon as may be~~ <sup>as soon as may be</sup> ~~after their~~  
 Meeting, choose the President of the Unit-  
 ed States, and proceed to execute this  
 Constitution.

United States in Congress assembled:  
 that ~~That the United States in Congress~~  
~~assembled~~, after receiving the Assent  
 and Ratification of the Conventions of

<sup>sh<sup>d</sup></sup>  
 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

<sup>sh<sup>d</sup></sup>  
 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

<sup>sh<sup>d</sup></sup>  
 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~~

<sup>sh<sup>d</sup></sup>  
 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.

