

# DOCUMENTS

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# FORMATION OF THE UNION OF THE AMERICAN STATES



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M<sup>r</sup> PINKNEY's motion to strike out <sup>93</sup> whole clause, <sup>94</sup> disag<sup>d</sup> to without call of States.

M<sup>r</sup> BUTLER moved to give the Legislature <sup>93</sup> power of peace, as they were to have that of war.

M<sup>r</sup> GERRY 2<sup>d</sup>s him. 8 Senators may possibly exercise the power if vested in that body, and 14 if all should be present; and may consequently give up part of the U. States. The Senate are more liable to be corrupted by an Enemy than the whole Legislature.

On the motion for adding "and peace" after "war" <sup>95</sup>

N. H. no. Mas. no. C<sup>t</sup> no. P<sup>a</sup> no. Del. no. M<sup>d</sup> no. V<sup>a</sup> no.  
N. C. no S. C. no. Geo. no. <sup>96</sup>

Adjourned

SATURDAY AUGUST 18. IN CONVENTION

M<sup>r</sup> MADISON submitted in order to be referred to the Committee or detail the following powers as proper to be added to those of the General Legislature

"To dispose of the unappropriated lands of the U. States"

"To institute temporary Governments for New States arising therein"

"To regulate affairs with the Indians as well within as without the limits of the U. States

"To exercise exclusively Legislative authority at the Seat of the General Government, and over a district around the same, not exceeding square miles; the Consent of the Legislature of the State or States comprizing the same, being first obtained"

"To grant charters of incorporation in cases where the public good may require them, and the authority of a single State may be incompetent"

"To secure to literary authors their copy rights for a limited time"

"To establish an University"

"To encourage by premiums & provisions, the advancement of useful knowledge and discoveries"

"To authorize the Executive to procure and hold for the use of the U. S. landed property for the erection of Forts, Magazines, and other necessary buildings"

<sup>93</sup> The word "the" is here inserte in the transcript.

<sup>94</sup> The word "was" is here inserted in the transcript.

<sup>95</sup> The transcript here adds the following: "it was unanimously negatived."

<sup>96</sup> The vote by States is omitted.

Doc: FRANKLIN moved \* to add after the words "post roads" Art I. Sect. 8. "a power to provide for cutting canals where deemed necessary"

M: WILSON 2<sup>d</sup><sup>o</sup> the motion

M: SHERMAN objected. The expence in such cases will fall on the U. States, and the benefit accrue to the places where the canals may be cut.

M: WILSON. Instead of being an expence to the U. S. they may be made a source of revenue.

M: MADISON suggested an enlargement of the motion into a power "to grant charters of incorporation where the interest of the U. S. might require & the legislative provisions of individual States may be incompetent." His primary object was however to secure an easy communication between the States which the free intercourse now to be opened, seemed to call for. The political obstacles being removed, a removal of the natural ones as far as possible ought to follow. M: RANDOLPH 2<sup>d</sup><sup>o</sup> the proposition

M: KING thought the power unnecessary.

M: WILSON. It is necessary to prevent a *State* from obstructing the *general* welfare.

M: KING. The States will be prejudiced and divided into parties by it. In Philad<sup>a</sup> & New York, It will be referred to the establishment of a Bank, which has been a subject of contention in those Cities. In other places it will be referred to mercantile monopolies.

M: WILSON mentioned the importance of facilitating by canals, the communication with the Western Settlements. As to Banks he did not think with M: King that the power in that point of view would excite the prejudices & parties apprehended. As to mercantile monopolies they are already included in the power to regulate trade.

Col: MASON was for limiting the power to the single case of Canals. He was afraid of monopolies of every sort, which he did not think were by any means already implied by the Constitution as supposed by M: Wilson.

The motion being so modified as to admit a distinct question specifying & limited to the case of canals,

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\* This motion by D: Franklin not stated in the printed Journal, as are some other motions.

N. H. no. Mas. no. C<sup>t</sup> no. N. J. no. P<sup>a</sup> ay. Del. no. M<sup>d</sup> no.  
V<sup>a</sup> ay. N. C. no. S. C. no. Geo. ay.<sup>59</sup>

The other part fell of course, as including the power rejected.

M<sup>r</sup> MADISON & M<sup>r</sup> PINKNEY then moved to insert in the list of powers vested in Congress a power—"to establish an University, in which no preferences or distinctions should be allowed on account of Religion."

M<sup>r</sup> WILSON supported the motion

M<sup>r</sup> GOV<sup>r</sup> MORRIS. It is not necessary. The exclusive power at the Seat of Government, will reach the object.

On the question

N. H. no. Mas. no. Con<sup>t</sup> div<sup>d</sup> D<sup>r</sup> Johnson ay. M<sup>r</sup> Sherman no.  
N. J. no. P<sup>a</sup> ay. Del. no. M<sup>d</sup> no. V<sup>a</sup> ay. N. C. ay. S. C. ay.  
Geo. no.<sup>60</sup>

Col: MASON, being sensible that an absolute prohibition of standing armies in time of peace might be unsafe, and wishing at the same time to insert something pointing out and guarding against the danger of them, moved to preface the clause (Art I sect. 8) "To provide for organizing, arming and disciplining the Militia &c" with the words "And that the liberties of the people may be better secured against the danger of standing armies in time of peace" M<sup>r</sup> RANDOLPH 2<sup>d</sup> the motion

M<sup>r</sup> MADISON was in favor of it. It did not restrain Congress from establishing a military force in time of peace if found necessary; and as armies in time of peace are allowed on all hands to be an evil, it is well to discountenance them by the Constitution, as far as will consist with the essential power of the Gov<sup>t</sup> on that head.

M<sup>r</sup> GOV<sup>r</sup> MORRIS opposed the motion as setting a dishonorable mark of distinction on the military class of Citizens

M<sup>r</sup> PINKNEY & M<sup>r</sup> BEDFORD concurred in the opposition.

On the question

<sup>59</sup> In the transcript the vote [reads: "Pennsylvania, Virginia, Georgia, aye—3; New Hampshire, Massachusetts, Connecticut, New Jersey, Delaware, Maryland, North Carolina, South Carolina, no—8."

<sup>60</sup> In the transcript the vote [reads: "Pennsylvania, Virginia, North Carolina, South Carolina, aye—4; New Hampshire, Massachusetts, New Jersey, Delaware, Maryland, Georgia, no—6; Connecticut, divided [Dr. Johnson, aye; Mr. Sherman, no].